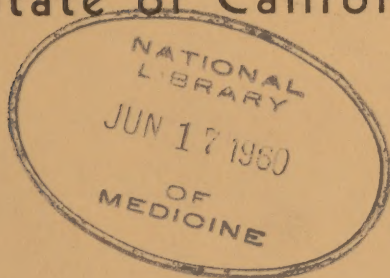


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FOREWORD

This compilation, prepared by the Office of Legislative Counsel, is the latest amended form of the Health and Safety Code.

Effective Date. This edition shows all sections as they are in effect on and after September 18, 1959, the effective date of the statutes enacted at the 1959 Regular Session.

The effective date of the statutes enacted at the 1958 First Extraordinary Session was July 23, 1958.

When any section has an effective date earlier or later than the ninety-first day after final adjournment of the session which affected it, the section carries a note expressing that effect.

No sections of the code were affected at the 1958 Regular or Second Extraordinary Sessions.

Cross-reference Tables. Tables of cross-reference indicating the origin of each section of the Health and Safety Code as originally enacted and indicating the disposition of former statutes in the code appear at pages 3345 to 3405 of the Statutes and Amendments to the Codes for 1939.

Tables of cross-reference indicating the origin of each section of Division 15 (as added by Statutes of 1947, Chapter 199) and indicating the disposition of former statutes in the division appear at pages 3920 and 3921 of the Statutes and Amendments to the Codes for 1947.

Tables of cross-reference indicating the origin of each section of Division 5, Part 3, Ch. 9 (as added by Stats. 1951, Ch. 439) and each section of Division 24 (as added by Stats. 1951, Ch. 710) and indicating the disposition of former statutes in the chapter and the division appear at pages 4811 to 4822 of the Statutes and Amendments to the Codes for 1951.

Tables of cross-reference indicating the origin of each section of Division 23.5 (as added by Statutes 1953, Ch. 82); each section of Division 24, Part 2, Ch. 1.5 (as added by Statutes 1953, Ch. 93); each section added by Statutes 1953, Ch. 93 to Division 24, Part 2, Ch. 1, Art. 5; each section added by Statutes 1953, Ch. 48 to Division 12, Part 1, Ch. 1 and to Division 12, Part 1, Ch. 2, Art. 2; each section added by Statutes 1953, Ch. 83 to Division 8, Part 2, Ch. 1; and each section added by Statutes 1953, Ch. 83 to Division 8, Part 3, Ch. 3, Art. 3 and indicating the disposition of former statutes in the division, chapter and sections appear on page 4357 of the Statutes and Amendments to the Code for 1953.

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STATE OF CALIFORNIA

HEALTH AND SAFETY CODE

[CHAPTER 60, STATUTES OF 1939]

An act to establish a Health and Safety Code, thereby consolidating and revising the law relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property; and matters incidental thereto, and to repeal certain acts or parts of acts specified herein.

[Approved by Governor April 7, 1939. In effect September 19, 1939.]

The people of the State of California do enact as follows:

GENERAL PROVISIONS

1. This act shall be known as the Health and Safety Code. Title
2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments. Continuation of existing law
3. All persons who, at the time this code takes effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure. Tenure
4. Any action or proceeding commenced before this code takes effect, and any right accrued, is not affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code as far as possible. Pending proceedings
5. Unless the provision or the context otherwise requires these definitions, rules of construction, and general provisions shall govern the construction of this code. Construction
6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code. Headings
7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise. Delegation of power

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.
- Reference to statutes 9. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions now or hereafter made.
- "Section" 10. "Section" means a section of this code unless some other statute is specifically mentioned. Subdivision means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.
- Tense 11. The present tense includes the past and future tenses; and the future, the present.
- Gender 12. The masculine gender includes the feminine and neuter.
- Number 13. The singular number includes the plural, and the plural the singular.
- "County" 14. "County" includes city and county.
- Giving notice 15. Unless expressly otherwise provided, any notice required to be given to any person by any provision of this code may be given by mailing notice, postage prepaid, addressed to the person to be notified, at his residence or principal place of business in this State. The affidavit of the person who mails the notice, stating the facts of such mailing, is prima facie evidence that the notice was thus mailed.
- "Shall" and "may" 16. "Shall" is mandatory and "may" is permissive.
- "Oath" 17. "Oath" includes affirmation.
- "Signature" and "subscription" 18. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.
- "Person" 19. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company.
- "State department" 20. "State department" means "State Department of Public Health."
- "Director" 21. "Director" means "Director of Public Health."
- "Board" 22. "Board" means "State Board of Public Health."
- "State" 23. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the Territories.
- Constitutionality 24. If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

DIVISION 1. ADMINISTRATION OF PUBLIC HEALTH

PART 1. STATE DEPARTMENT OF PUBLIC HEALTH

CHAPTER 1. ORGANIZATION

100. There is in the State Government a State Department Department
of Public Health.

101. The department shall consist of the State Board of Board
Public Health, the State Director of Public Health and such
divisions as are or may be necessary for the prevention of
disease, the prolongation of life and the promotion of the physi-
cal health and mental efficiency of the people of the State.

(Amended by Stats. 1943, Ch. 1061.)

102. The State Board of Public Health consists of the Members
Director of Public Health and nine other members. The board
shall advise the director in the performance of his duties and
formulate general policies affecting public health. It shall have
power to adopt, promulgate, repeal and amend rules and regu-
lations consistent with law for the protection of the public
health. It shall issue licenses and permits as prescribed by law
and by rules and regulations of the board. It may hold hear-
ings and subpoena witnesses and documents pursuant to Article
2 of Chapter 2, Part 1, Division 3, Title 2 of the Government
Code. The board shall have no administrative or executive
functions other than those set forth in this code.

(Amended by Stats. 1943, Ch. 1061, and by Stats. 1953,
Ch. 1884.)

103. Except as otherwise expressly provided, the members Appointment
and terms
of the board, other than the director, shall be appointed by
the Governor for a term of four years and shall hold office
until the appointment and qualification of their successors.
The terms of the members of the board in office on the effec-
tive date of the Statutes of 1953 shall expire in the order here-
before established, as follows: two members, January 15, 1954;
one member, January 15, 1955; two members, January 15,
1956; two members, including the dentist, January 15, 1957.
The terms of the two members first appointed to the offices
created by the 1953 amendment to Section 102 shall expire
as follows: one member, January 15, 1955; and one member,
January 15, 1957. In making the first appointments to those
offices the Governor shall designate the term for which each
such member is appointed.

Vacancies shall be filled by appointment for the unexpired Vacancies
term.

(Amended by Stats. 1953, Ch. 1884.)

103.1. All meetings of the board shall be open and public. Meetings

(Added by Stats. 1957, Ch. 2224.)

103.2. All records of the board shall be open to inspection Records
by the public during regular office hours.

(Added by Stats. 1957, Ch. 2224.)

Qualifications 104. One member of the board shall be a duly licensed and practicing dentist of the State. Six members shall be duly licensed and practicing physicians of the State.
(Amended by Stats. 1943, Ch. 1061, and by Stats. 1953, Ch. 1884.)

Compensation 105. The members of the board, other than the director, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

Director: Duties 106. The director is the executive officer of the department. He shall administer the laws and regulations of the board pertaining to public health and shall vigilantly observe sanitary and public health conditions throughout the State and shall take all necessary precautions to protect it in its sanitary and public health relations with other States and countries. He shall perform such other duties as may be prescribed by law, and such other administrative and executive duties as have by other provisions of law been imposed upon the board.

(Amended by Stats. 1943, Ch. 1061.)

Qualifications 107. The director shall hold the degree of doctor of medicine from an approved medical college and shall be eligible to license to practice in the State of California. He shall have had in addition at least one year's post graduate training in a school of public health approved by the State Board of Public Health, and a minimum of five years' practical experience as an administrative officer in a well organized health department.

(Amended by Stats. 1941, Ch. 835, and by Stats. 1943, Ch. 1061.)

Term 107.5. The director shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of his successor. The term of the director in office when this section takes effect shall expire January 1, 1944. The Governor may remove the director for misconduct, incompetency, or neglect of duty, after an opportunity to be heard on written charges. A vacancy shall be filled by appointment for the unexpired term. The director shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code and necessary expenses incurred in the performance of his duties.

(Added by Stats. 1943, Ch. 1061; amended by Stats. 1947, Ch. 1442, by Stats. 1949, Ch. 1005, and by Stats. 1951, Ch. 1613.)

Official bond 108. Before entering upon the duties of his office, the director shall execute an official bond to the State in the penal sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his duties.

Duties: Time 109. The director shall devote his entire time to the duties of his office.

Appointment of employees 110. Subject to the State Civil Service Act the director shall appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department, shall prescribe their duties, and fix their

salaries subject to the approval of the Department of Finance, and shall require them to execute to the State such official bonds as may be required.

(Amended by Stats. 1943, Ch. 1061.)

111. (Repealed by Stats. 1943, Ch. 1061.)

112. (Repealed by Stats. 1957, Ch. 205.)

NOTE: Stats. 1957, Ch. 205, also contained the following provision:

SEC. 37. The provisions of the Health and Safety Code added by this act, insofar as they are substantially the same as the provisions of said code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment. No action or proceeding relating to or arising out of the provisions of said code repealed by this act commenced before the effective date of this act, and no right accrued pursuant to said provisions, are affected by the repeal of said provisions by this act, but any step thereafter taken in such action or proceeding shall conform to the provisions added to said code by this act so far as possible.

113. Notwithstanding anything in this code as enacted, the director may, subject to the approval of the Governor, create such divisions and subdivisions of the State department as may be necessary and may consolidate, divide, or abolish them from time to time.

Departmental organization

(Amended by Stats. 1943, Ch. 1061.)

114. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

115. (Added by Stats. 1941, Ch. 1092; amended by Stats. 1943, Ch. 1092; repealed by Stats. 1951, Ch. 1261.)

116. (Added by Stats. 1945, Ch. 956; amended and renumbered 213 by Stats. 1957, Ch. 205.)

117. The Public Health Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Public Health Federal Fund.

Public Health Federal Fund

(Added by Stats. 1951, Ch. 1261.)

NOTE—Stats. 1951, Ch. 1261 also contained the following provisions:

SEC. 9. Upon authorization of the State Department of Public Health and the Department of Finance pursuant to Section 28452 of the Health and Safety Code, that portion of the amount transferred to the General Fund under the provisions of subdivision (b) of Section 10 of this act that represents the unexpended balance of cash deposits paid to the State under Section 28452 of the Health and Safety Code, and not yet determined to be due the State or to be refundable to the depositor, shall, on order of the State Controller, be transferred to the Special Deposit Fund, subject to the provisions of said Section 28452.

SEC. 10. All money in the Department of Public Health Fund on July 1, 1951, shall be disposed of as follows:

(a) All money in the Department of Public Health Fund that was derived from money appropriated by the State from the General Fund for the support of the State Department of Public Health or of any division, bureau, or organization unit thereof, or the expenditure of which is administered through or under the direction of the State Department of Public Health, and transferred to the Department of Public Health Fund prior to July 1, 1951, under the provisions of subdivision (c) of Section 115 of the Health and Safety Code, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was

originally derived. The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions of the act making such appropriation with respect thereto.

(b) All money in the Department of Public Health Fund that was derived from money received by the State under the provisions of Chapter 8 of Division 21 of the Health and Safety Code, or under the provisions of Chapter 428 of the Statutes of 1925, as amended, and deposited in the Department of Public Health Fund under the provisions of Section 2 of Chapter 1092 of the Statutes of 1941, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be available for expenditure therefrom for the same purposes, and subject to the same conditions, limitations, and restrictions, for which it was available for expenditure from the Department of Public Health Fund prior to such transfer.

An amount equal to the unexpended balance of each appropriation made from the Department of Public Health Fund prior to July 1, 1951, that is available by law for the payment of expenses incurred by the State Department of Public Health in enforcing the provisions of Chapter 8 of Division 21 of the Health and Safety Code, is hereby appropriated from the General Fund for expenditure for the same purposes, and subject to the same periods of availability, as each such appropriation originally made from the Department of Public Health Fund.

(c) All money in the Department of Public Health Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Public Health Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

(d) All money in the Department of Public Health Fund that was derived from grants or donations from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Special Deposit Fund, and shall be credited to the appropriate account in the latter fund, as provided by Section 121 of the Health and Safety Code. The amount so transferred shall be available, without regard to fiscal years, for expenditure from the Special Deposit Fund for the purposes for which it was made available under the terms and conditions of the grant or donation.

(e) All other money in the Department of Public Health Fund the disposition of which is not otherwise provided by law, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund.

Continuous
appropriation

118. All money in the Public Health Federal Fund is hereby appropriated to the State Department of Public Health, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

Records of
deposits, etc.

119. The State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Public Health Federal Fund, and of the disbursements and transfers therefrom.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

120. The Director of Finance and the State Controller may approve any general plan whereby: General plan
of admin-
istration

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Public Health Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of the State Department of Public Health, and

(b) Any expenditures which are a proper charge against an appropriation from any special fund in the State Treasury, expenditures from which are administered through or under the direction of the State Department of Public Health, may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of said department, and

(c) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Public Health Federal Fund or against any appropriation from any special fund.

Such a general plan may provide for advance transfers from the Public Health Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Public Health Federal Fund pursuant to such plan, and may provide for reimbursements to the Public Health Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the State Department of Public Health, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

121. All grants or donations of money received by the State from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Special Deposit Fund, subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, separate accounts within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section; and the State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, each of such accounts in the Special Deposit Fund, and of the disbursements therefrom. Special
Deposit
Fund

All moneys deposited in the Special Deposit Fund under the provisions of this section shall be available, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the State.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

CHAPTER 2. POWERS AND DUTIES

Article 1. General Powers

Causes of
communicable
disease:
Examination
Investigation

200. The State Department of Public Health shall examine into the causes of communicable disease in man and domestic animals occurring or likely to occur in this State.

201. It shall cause special investigation of the preparation and sale of drugs and food and their adulteration.

(Amended by Stats. 1941, Ch. 186.)

Adulterated
food: Detection
and prevention

202. It shall perform such duties as are required by law for the detection and prevention of the adulteration of articles used for food and drink, and for the punishment of persons guilty of violation of any law providing against their adulteration.

Water and
ice sources:
Examination

203. It shall examine and may prevent the pollution of sources of public domestic water and ice supply.

204. (Amended and renumbered 375 by Stats. 1957, Ch. 205.)

Actions and
proceedings

205. It may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

(a) To enforce its rules and regulations.

(b) To enjoin and abate nuisances dangerous to health.

(c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this State relating to the public health.

(d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the Department of Public Health.

Nuisance
abatement
Advice

206. It may abate public nuisances.

207. It may advise all local health authorities, and, when in its judgment the public health is menaced, it shall control and regulate their action.

Rules and
regulations

208. It may adopt and enforce rules and regulations for the execution of its duties.

Report to
Legislature

209. It shall at each general session of the Legislature make a report with such suggestions as to legislative action as it deems proper.

(Amended by Stats. 1953, Ch. 158.)

210. (Repealed by Stats. 1957, Ch. 1004.)

Special
investigations

211. It shall cause special investigations of the sources of morbidity and mortality and the effects of localities, employments, conditions and circumstances on the public health and it shall perform such other duties as may be required in procuring information for state and federal agencies regarding the effects of these conditions on the public health.

(Added by Stats. 1941, Ch. 186; amended by Stats. 1957, Ch. 205.)

211.5. All records of interviews, written reports and state-
ments procured by the state department or by any other
person, agency or organization acting jointly with the state
department, in connection with special morbidity and
mortality studies shall be confidential insofar as the identity
of the individual patient is concerned and shall be used solely
for the purposes of the study. The furnishing of such infor-
mation to the state department or its authorized representa-
tive, or to any other co-operating individual, agency or organi-
zation in any such special study, shall not subject any person,
hospital, sanatorium, rest home, nursing home, or other organi-
zation furnishing such information to any action for damages.
The provisions of this section shall not apply to general mor-
bidity and mortality studies customarily and continuously
conducted by the state department and which do not involve
patient identification.

Morbidity,
etc., studies

Nothing in this section shall prohibit the publishing by the
state department of statistical compilations relating to mor-
bidity and mortality studies which do not identify individual
cases and sources of information or religious affiliations.

(Added by Stats. 1959, Ch. 1164.)

212. (Added by Stats. 1951, Ch. 540; amended by Stats.
1953, Ch. 746; amended and renumbered 1422 by Stats. 1957,
Ch. 205.)

213. With the approval of the Department of Finance, and
for use in the furtherance of the work of the State Department
of Public Health, the director may accept (a) grants of inter-
est in real property, and (b) gifts of money from public
agencies or from organizations or associations organized for
scientific, educational or charitable purposes.

Gifts

(Formerly 116. Added by Stats. 1945, Ch. 956; amended
and renumbered 213 by Stats. 1957, Ch. 205.)

214. The State Department of Public Health shall enforce
the provisions of Section 383b of the Penal Code.

Kosher meat

(Formerly 213. Added by Stats. 1957, Ch. 2409; amended
and renumbered 214 by Stats. 1959, Ch. 623.)

Article 2. Physically Handicapped Children

249. The Department of Public Health shall have the
power to establish and administer a program of services for
physically defective or handicapped persons under the age of
21 years, in cooperation with the Federal Government through
its appropriate agency or instrumentality in developing,
extending and improving such services, to receive and expend
all funds made available to the department by the Federal
Government, the State, its political subdivisions or from other
sources, and shall have power to supervise those services
included in the State plan which are not directly administered
by the State, and to cooperate with the medical, health, nurs-
ing and welfare groups and organizations, and any agency of
the State charged with the administration of laws providing

Services for
handicapped
children

for vocational rehabilitation of physically handicapped children.

(Added by Stats. 1943, Ch. 210.)

"Hand-
capped
child"
defined

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services.

(Amended by Stats. 1943, Ch. 210.)

"Services"
defined

251. "Services," as used in this article, means any or all of the following:

- (a) Expert diagnosis.
- (b) Medical treatment.
- (c) Surgical treatment.
- (d) Hospital care.
- (e) Physiotherapy.
- (f) Occupational therapy.
- (g) Special treatment.
- (h) Materials.

(i) Appliances and their upkeep, maintenance, care, and transportation.

(j) Maintenance, transportation, or care incidental to any other form of "services."

Local
surveys

252. By local surveys arranged through local authorities, social welfare and other public or private agencies, the State Department of Public Health shall seek out handicapped children. No record shall be taken or kept, except of such children as are specified in this article.

Children
with im-
paired
hearing

252.5. The State Department of Public Health shall seek out children with impaired sense of hearing, especially in the primary and grammar grades of all schools and in its conferences and diagnostic clinics it shall employ for such diagnostic investigation trained otologists.

This section does not give the department power to require medical or physical examination of children without consent of parent or guardian.

(Added by Stats. 1943, Ch. 1098.)

252.6. (Added by Stats. 1945, Ch. 743; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

252.7. (Added by Stats. 1945, Ch. 743; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Clinics

253. It shall arrange through such local agencies for local public diagnostic clinics or conferences for handicapped children when and where it appears necessary, and bring to them expert diagnosis near their homes.

Free clinical
service

254. Whenever the parents or estate of a handicapped child is wholly or partly unable to furnish for the child necessary services, the parents or guardian may apply to the agency of the county which has been designated by the board of supervisors of the county of residence under the terms of Section 271 to administer the provisions for handicapped children. Residence shall

be determined in accordance with the provisions of Sections 243 and 244 of the Government Code.

(Amended by Stats. 1945, Ch. 1367 and Ch. 1368, and by Stats. 1947, Ch. 385.)

255. The designated agency shall determine the needs of the handicapped child. If the agency is satisfied that, where there is no guardian of the person, the parents are residents of the county or that the child, in case a guardian of his person has been appointed, is a resident of the county where the application is filed, and that the parents or estate of the child is either wholly or partly unable to furnish the services, the agency shall make a record of the facts and shall issue an authorization for the necessary services.

Agency to
determine
needs

The record shall contain the names and addresses of applicant and of the child and the following findings:

Record of
facts:
Contents

(a) That the parents, or the child, if there is a guardian of his estate, reside in the county in which the application is filed.

(b) That the child needs services.

(c) That the parents or estate of the child is wholly or partly unable to furnish the services.

(d) What sum, if any, the parents or estate of the child can pay to the treasurer of the county in which the authorization issued.

(Amended by Stats. 1947, Ch. 385.)

256. The authorization, together with duplicate original written diagnoses, shall be presented to the state department. Upon receipt of the authorization the department shall furnish such services for the child as in its judgment are necessary and proper. All expenses for services shall be advanced by the state department out of any appropriation available by law for expenditure for services to physically handicapped children, in accordance with the provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

Presentation,
services

Expenses for
services

(Amended by Stats. 1947, Ch. 385, and by Stats. 1951, Ch. 486.)

257. The board of supervisors shall audit and approve an itemized claim for the expenses of the services furnished under the authority of the authorization. The county auditor shall then issue a warrant for the amount of the claim payable to the state department, and the county treasurer shall pay it. The state department shall credit the amount received to the appropriation from which it was advanced.

County
payments

(Formerly 258; amended and renumbered by Stats. 1947, Ch. 385; amended by Stats. 1951, Ch. 486.)

257.5. The agency designated to determine the needs of handicapped children under the provisions of this chapter, may enter into agreements with parents or estates of handicapped children to pay such amounts as they may be able toward the cost of services for such children. Any payment made by parents or estates shall be paid to the treasurer of the county in which the authorization is issued and shall be credited to the account from which the expenditure was originally drawn.

Payments
by parents

(Added by Stats. 1947, Ch. 385.)

Payment for
services
without
authoriza-
tion

258. The state department may, without the possession of an authorization, pay the expenses for services required by any physically handicapped child out of any funds received by it through gift, devise, or bequest or from private, state, federal or other grant or source.

(Formerly 257; amended by Stats. 1943, Ch. 210; amended and renumbered by Stats. 1947, Ch. 385; amended by Stats. 1951, Ch. 486.)

Services for
nonresident
children

258.5. Upon the request of another state or of a federal agency, it may pay the expenses of services required by any physically handicapped child, who is not a resident of this State; provided, that the cost of such services is fully covered by special grants or allotments received from such state or federal agency for that purpose.

(Added by Stats. 1951, Ch. 486; amended by Stats. 1953, Ch. 177.)

Contracts
for furnish-
ing services

259. The State department may arrange or contract with any person properly qualified to furnish services to handicapped children. It may pay for services out of any funds appropriated for the purpose or which it may receive by gift, devise, or bequest.

Cooperation
with insti-
tutions, etc.

260. It shall cooperate with the hospital or other institution in which a child is placed, maintain a strict supervision over the handicapped children under its care and jurisdiction, shall cause them to be visited when advisable, and shall cause a record to be kept showing their condition and improvement.

Agreements
with parents
or guardians

261. It may enter into agreements with parents, guardians and persons responsible for the care of handicapped children to pay such amounts as they may be able toward the cost of services for a handicapped child.

Consent of
parent or
guardian

262. This article does not authorize the care, treatment, or supervision of or any control over handicapped children without the written consent of a parent or guardian.

263. (Added by Stats. 1939, Ch. 102, as part of codification; amended by Stats. 1947, Ch. 385; repealed by Stats. 1951, Ch. 486.)

Gifts

264. The State department may receive gifts, legacies and bequests and expend them for the purposes of this article, but not for administrative expenses.

265. (Repealed by Stats. 1947, Ch. 385.)

266. (Repealed by Stats. 1947, Ch. 385.)

Facilities
of public
institutions

267. The governing body of any public institution subject to the authority and under the control of the State Department of Institutions, or of political subdivisions of the State, in which hospital facilities are maintained which can be used for the purposes of this article may, upon such terms as may be agreed upon, without charge, place facilities at the disposition of the State Department of Public Health to be used in providing services for handicapped children.

County
services

268. The board of supervisors in each county may provide for services for any handicapped child in each county, when

the parents or guardian consent in writing and when the parents or estate of the child is not financially able to provide services. The county may cooperate in this service with the State department and pay the cost as provided in this article or may perform the services independently, if such services meet minimum standards set by the State Board of Public Health for the care of physically handicapped children.

(Amended by Stats. 1943, Ch. 210.)

269. In order to provide facilities for the services for handicapped children, the board of supervisors may cooperate with the State Department of Public Health and the State Department of Social Welfare in making use of existing hospital facilities under the supervision or inspection of those departments, within or without their respective counties.

County use
of State
facilities

270. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county a sum of money not less than that represented by a rate of one-tenth of one mill (\$.00001) on each dollar on the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such purposes in that county, the latter shall be the minimum amount appropriate for expenditure therefor in that county during the next succeeding fiscal year.

Funds:
County tax

(Amended by Stats. 1945, Ch. 1368.)

271. The board of supervisors shall allot the funds appropriated as provided in Section 270 to the local department of public health or local department of public welfare to be used for providing care for handicapped children. The local department of public health or the local department of public welfare may cooperate in this service with the State Department of Public Health or may provide the care independently, if such services meet minimum standards set by the State Board of Public Health.

Same:
To local
agencies

(Added by Stats. 1945, Ch. 1367; amended by Stats. 1947, Ch. 385.)

Article 3. Child Health

(Heading amended by Stats. 1957, Ch. 205)

300. The State Department of Public Health shall maintain a program of child health.

Program of
child health

(Amended by Stats. 1957, Ch. 205.)

301. The department may investigate, and disseminate educational information relating to, conditions affecting the health of the children of this State.

Dissemina-
tion of in-
formation
etc.

(Original 301 repealed by Stats. 1957, Ch. 205. Present 301 formerly 302; amended and renumbered 301 by Stats. 1957, Ch. 205.)

302. This article does not give the department power to force compulsory medical or physical examination of children.

Limitation
on powers

(Formerly 303. Amended and renumbered 302 by Stats. 1957, Ch. 205.)

Advice

303. Upon request the department shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State.

(Formerly 304. Amended and renumbered 303 by Stats. 1957, Ch. 205.)

304. (Amended and renumbered 303 by Stats. 1957, Ch. 205.)

Article 4. Division of Dental Health

(Article 4 repealed and added by Stats. 1949, Ch. 710)

Division of Dental Health

350. The State Department of Public Health shall establish and maintain a division in the Department of Public Health to be known as the Division of Dental Health to study, plan, and under the supervision of the director of the department to administer all functions of the department relating to dentistry and all matters relating to dentistry shall be referred to the dental division.

(Repealed and added by Stats. 1949, Ch. 710.)

Chief

351. The Director of Public Health shall appoint a chief of the division who shall be a graduate dentist eligible to license in the State of California.

(Repealed and added by Stats. 1949, Ch. 710.)

Powers

352. The division shall have the power and authority to:

(a) Initiate and develop educational activities designed to protect and improve the dental health of the people of the State.

(b) Initiate and develop research programs in service and prevention designed to protect and improve the dental health of the people of the State.

(c) Correlate the work of the division in health procedures, research and administration in the department and with official and nonofficial agencies and educational institutions.

(Repealed and added by Stats. 1949, Ch. 710.)

Limitation on powers

353. Nothing in this article authorizes the division to compel dental examinations or services.

(Repealed and added by Stats. 1949, Ch. 710.)

Additional powers

354. The State Department of Public Health shall have the power to receive for the division any financial aid granted by any private, federal, state, district, or local or other grant or source, and the division shall use such funds to carry out the provisions and purposes of this article.

(Repealed and added by Stats. 1949, Ch. 710.)

Licenses

355. No services of any kind for which a license is required by other statutes of the State shall be performed under the provisions of this article, except by a person duly licensed to perform the same.

(Added by Stats. 1949, Ch. 710.)

Limitation on applicability of article

356. This article is not intended to apply and none of its provisions shall be construed as having any application whatsoever to any person licensed or registered under the provisions of the Dental Practice Act nor to the private practice of dentistry, save only as to persons in the employ of the department or of the division.

(Added by Stats. 1949, Ch. 710.)

Article 5. Laboratory

(Heading amended by Stats. 1957, Ch. 205)

374. The State Department of Public Health shall maintain a laboratory and such branch laboratories as may be necessary to perform the microbiological, physical and chemical analyses required to meet the responsibilities of the department. Maintenance
branches

(Amended by Stats. 1957, Ch. 205.)

375. It may prepare or purchase biological products and distribute them at cost. Biological
products

(Original 375 repealed by Stats. 1957, Ch. 205. Present 375 formerly 204; amended and renumbered 375 by Stats. 1957, Ch. 205.)

376. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

377. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 6. Sanitary Engineering

400. The State Department of Public Health shall maintain a program of sanitary engineering. Program

(Amended by Stats. 1957, Ch. 205.)

401. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 7. Epilepsy

(Article 7 repealed and added by Stats. 1957, Ch. 205.

See note following Section 112)

410. The State Department of Public Health shall define epilepsy for the purposes of the reports hereinafter referred to: Definition

(1) All physicians shall report immediately to the local health officer in writing, the name, age, and address of every person diagnosed as a case of epilepsy or similar disorders characterized by lapses of consciousness. Reports

(2) The local health officer shall report in writing to the state department the name, age, and address, of every person reported to it as a case of epilepsy.

(3) The state department shall report to the State Department of Motor Vehicles the names, ages, and addresses, of all persons reported as cases of epilepsy by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

411. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

412. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

413. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

414. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 8. Mental Health

(Article 8 added by Stats. 1945, Ch. 971)

Mental
health
service

420. The State Department of Public Health may maintain a mental health service which shall advise and assist local departments of health and education in the establishment of mental health services, particularly in connection with maternal and child health conferences and in the schools of the State.

The department shall coordinate this service with the program of the State Department of Mental Hygiene and may conduct such other activities as may be required in the development of mental health services as related to public health.

This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

(Added by Stats. 1945, Ch. 971.)

Article 9. Air Sanitation

(Article 9 added by Stats. 1955, Ch. 1312)

Program

425. The State Department of Public Health shall maintain a program of air sanitation, including, but not limited to:

(a) The conduct of studies to determine the health effects of air pollution;

(b) The determination of the physiological effects of air pollution upon plant and animal life;

(c) The determination of factors responsible for air pollution;

(d) The monitoring of air pollutants;

(e) The development of administrative means of control of air pollution in emergencies;

(f) Assistance to local agencies in effectuating all of the subdivisions of this section.

(Added by Stats. 1955, Ch. 1312.)

Agreements

426. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to air sanitation.

(Added by Stats. 1955, Ch. 1312.)

Standards
for quality
of air

426.1. The State Department of Public Health shall, before February 1, 1960, develop and publish standards for the quality of the air of this State. The standards shall be so developed as to reflect the relationship between the intensity and composition of air pollution and the health, illness, including irritation to the senses, and death of human beings, as well as damage to vegetation and interference with visibility.

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

Hearings

Notice

The department, after notice and hearing, may revise the standards, and shall publish the revised standards, from time to time.

(Added by Stats. 1959, Ch. 835. In effect June 8, 1959.)

426.5. It shall be the duty of the State Director of Public Health to determine by February 1, 1960, the maximum allowable standards of emissions of exhaust contaminants from motor vehicles which are compatible with the preservation of the public health including the prevention of irritation to the senses.

Standards of
emissions of
exhaust con-
taminants

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

Hearings

Notice

The department after notice and hearing may revise the standards, and shall publish the revised standards, from time to time.

(Added by Stats. 1959, Ch. 200. In effect April 28, 1959.)

NOTE: Stats. 1959, Ch. 200, also contained the following provision:

SEC. 3. This act shall be known and may be cited as the Rees-Richards Act.

Article 10. Alcoholic Rehabilitation

(Article 10 added by Stats. 1957, Ch. 1004)

427. There shall be a division established within the State Department of Public Health which shall be known as the Alcoholic Rehabilitation Division. The department shall, through the division, engage in the treatment and rehabilitation of alcoholics by contract with local agencies or otherwise. It shall also, through the division, investigate and study all phases of the rehabilitation of alcoholics and all factors necessary to the reduction and prevention of chronic alcoholism and other excessive uses of alcohol, and shall periodically report its findings thereon to the Governor and to the Legislature together with its recommendations.

Alcoholic
Rehabilita-
tion Division

Report

(Added by Stats. 1957, Ch. 1004.)

NOTE: Stats. 1957, Ch. 1004, also contained the following provision:

SEC. 4. All persons, other than temporary employees, serving in the state civil service as employees of the Alcoholic Rehabilitation Commission are hereby transferred to the State Department of Public Health on the effective date of this act and shall retain their respective positions in the state civil service subject to the provisions of Article XXIV of the Constitution and laws continued in force thereby or adopted pursuant thereto.

On and after the effective date of this act the unencumbered balance of all money heretofore available for expenditure by the Alcoholic Rehabilitation Commission in carrying out its functions shall be made available for the support of the State Department of Public Health in carrying out

its functions under Article 10 (commencing at Section 427) of Chapter 2, Part 1, Division 1 of the Health and Safety Code, and all books, documents, records, and property of the Alcoholic Rehabilitation Commission shall be transferred to the State Department of Public Health.

Contracts,
etc., re local
cooperation

427.1. The department may contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local programs for the treatment and rehabilitation of alcoholics, and local governmental agencies and voluntary nonprofit organizations are authorized to establish clinics for the treatment and rehabilitation of alcoholics.

(Added by Stats. 1957, Ch. 1004.)

State
assistance

427.2. Any contract entered into pursuant to Section 427.1 after the effective date of this article may provide for financial assistance on behalf of the State.

(Added by Stats. 1957, Ch. 1004.)

Commission:
abolishment

427.3. The Alcoholic Rehabilitation Commission is abolished. The department succeeds to and is vested with all powers, duties, responsibilities, and jurisdiction of the commission under any existing contract between the commission and any local governmental agency or voluntary nonprofit organization.

(Added by Stats. 1957, Ch. 1004.)

Advisory
committee

427.4. The Director of Public Health may appoint an advisory committee consisting of five members serving at his pleasure to advise him and the department in the performance of the duties imposed by this article. He shall also designate the chairman thereof from time to time. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

(Added by Stats. 1957, Ch. 1004.)

Article 11. Prevention of Blindness

(Article 11 added by Stats. 1959, Ch. 1586)

Program

428. The State Department of Public Health shall maintain a program for the prevention of blindness, including, but not limited to:

(a) Studies to determine the number, distribution, and nature of conditions leading to blindness among the population of the State.

(b) Investigations into the causes of blindness for the purpose of developing control procedures.

(c) Consultations with, and assistance to, local agencies directed toward education for the prevention of blindness, the early identification of conditions leading to blindness, and the application of methods for reducing the amount of blindness resulting from preventable conditions.

(Added by Stats. 1959, Ch. 1586.)

428.1. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to the prevention of blindness. Agreements

(Added by Stats. 1959, Ch. 1586.)

CHAPTER 3. HOSPITAL SURVEY AND CONSTRUCTION

(Chapter 3 added by Stats. 1947, Ch. 327)

NOTE: Stats. 1947, Ch. 327, which added Chapter 3, also contained these sections:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter of statewide interest and concern, by cooperation with the United States Government in developing and carrying into effect a program for the construction of such hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services for all of the people of the State, and to that end to comply with and implement the Federal Hospital Survey and Construction Act; and by supplementing the federal assistance provided pursuant to said federal act by providing state financial assistance for the construction of such hospital and other facilities to those agencies empowered to construct and operate hospitals and similar facilities to which the State Constitution permits state assistance to be made available.

SEC. 7. The provisions of this act shall take effect and be operative to the fullest extent possible under the existing provisions of the State Constitution. The remaining provisions, if any, shall severally become operative if, as, and when the Constitution is so amended as to make them possible of enactment, and thereafter they shall have the same force and effect they would have if enacted upon such constitutional amendment or amendments becoming effective.

Article 1. Definitions and General Provisions

430. This chapter may be cited as the "California Hospital Survey and Construction Act." Short title

(Added by Stats. 1947, Ch. 327.)

430.1. As used in this chapter, the terms defined in this article have the meanings set forth in this article. Definitions

(Added by Stats. 1947, Ch. 327.)

430.2. "The federal act" includes Public Law 725 of the Seventy-ninth Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act, as amended by Public Law 482 of the Eighty-third Congress, approved July 12, 1954, entitled the Medical Facilities Survey and Construction Act of 1954, and any other law now enacted by Congress concerning hospitals as defined in this article. "The federal act"

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

430.3. "The Surgeon General" means the Surgeon General of the Public Health Service of the United States. "The Surgeon General"

(Added by Stats. 1947, Ch. 327.)

430.4. "Hospital" includes hospitals for the chronically ill and impaired, public health centers and general, tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities "Hospital"

operated in connection with hospitals, diagnostic or treatment centers, nursing homes, and rehabilitation facilities, but does not include any institution furnishing primarily domiciliary care.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

"Public
health
center"

430.5. "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, provisions for bed care, and administrative offices operated in connection with public health centers.

(Added by Stats. 1947, Ch. 327.)

"Nonprofit
hospital"

430.6. "Nonprofit hospital," "nonprofit diagnostic or treatment center," "nonprofit rehabilitation facility," and "nonprofit nursing home" mean any hospital, diagnostic or treatment center, rehabilitation facility, and nursing home, as the case may be, which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or a hospital publicly owned or operated by a public entity or agency of this State.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

"Construc-
tion"

430.7. "Construction" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land.

(Added by Stats. 1947, Ch. 327.)

Exception

430.8. This chapter shall not apply to any sanatorium or institution conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(Added by Stats. 1947, Ch. 327.)

"Diagnostic
or treatment
center"

430.9. "Diagnostic or treatment center" means a facility for the diagnosis or diagnosis and treatment of ambulatory patients (1) which is operated in connection with a hospital, or (2) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State.

(Added by Stats. 1955, Ch. 1575.)

"Hospital
for the
chronically
ill and
impaired"

430.10. "Hospital for the chronically ill and impaired" shall not include any hospital primarily for the care and treatment of mentally ill or tuberculous patients.

(Added by Stats. 1955, Ch. 1575.)

"Rehabilita-
tion facility"

430.11. "Rehabilitation facility" means a facility which is operated for the primary purpose of assisting in the rehabili-

tation of disabled persons through an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision, and in the case of which (1) the major portion of such evaluation and services is furnished within the facility; and (2) either (a) the facility is operated in connection with a hospital, or (b) all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

(Added by Stats. 1955, Ch. 1575.)

430.12. "Nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services (1) which is operated in connection with a hospital, or (2) in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

"Nursing home"

(Added by Stats. 1955, Ch. 1575.)

Article 2. Administration

431. The State Department of Public Health shall constitute the sole agency of the State for the following purposes:

Department of Public Health: Inventory

(a) Making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in Article 3 of this chapter.

(b) Developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in Article 3 of this chapter.

State plan

(Added by Stats. 1947, Ch. 327.)

431.1. In carrying out the purposes of this chapter, the department shall:

(a) Require such reports, make such inspections and investigations, and prescribe such regulations as the department deems necessary.

Inspections

(b) Provide such methods of administration, appoint such personnel, and take such other action as may be necessary to comply with the requirements of the federal act, this chapter, and the regulations thereunder.

Administrative methods

(c) Make an annual report to the Governor and to the Legislature on activities and expenditures pursuant to this chapter, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this State.

Annual report

(Added by Stats. 1947, Ch. 327.)

431.2. The Governor shall appoint an Advisory Hospital Council to advise and consult with the department in carrying out the administration of this chapter. The Council shall consist of the director, who shall serve as chairman ex officio and eight (8) members and shall include representatives of nongovernment organizations or groups, and of state agencies,

Advisory Hospital Council

concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas. Of the members first appointed, four shall be designated by the Governor to hold office until October 1, 1948, and four shall be designated by the Governor to hold office until October 1, 1949. Members other than the members first appointed shall hold office for terms of two (2) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Council members, while serving on business of the council, shall receive no compensation, but shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the director deems necessary, but not less than once each year. Upon request by four (4) or more members, the director shall call a meeting of the council.

(Added by Stats. 1947, Ch. 327.)

Meetings

431.3. All meetings of the council shall be open and public.

(Added by Stats. 1957, Ch. 2223.)

Records

431.4. All records of the council shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2223.)

Article 3. Survey and Planning

Construction
program:
Inventory
and survey

432. The department shall make an inventory of existing hospitals, including public, nonprofit, and proprietary hospitals, to survey the need for construction of hospitals, and, on the basis of such inventory and survey, shall develop a program for the construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all the people of the State.

(Added by Stats. 1947, Ch. 327.)

Provisions

432.1. The construction program shall provide, in accordance with regulations prescribed under the federal act, this chapter, and the regulations thereunder, for adequate hospital facilities for the people residing in this State, and insofar as possible shall provide for their distribution throughout the State in such manner as to make all types of hospital service reasonably accessible to all persons in the State.

(Added by Stats. 1947, Ch. 327.)

Federal
funds

432.2. The department may make application to the Surgeon General for federal funds to assist in carrying out the survey and planning activities provided for in this article. Such funds shall be deposited in the Department of Public Health Fund in the State Treasury.

(Added by Stats. 1947, Ch. 327.)

State plan

432.3. The department shall prepare and submit to the Surgeon General a state plan, and any revisions thereof or

supplements thereto, which shall include the hospital construction program developed under this article, and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder.

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

432.4. The department shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan. Minimum standards

(Added by Stats. 1947, Ch. 327.)

432.5. The state plan shall set forth the relative need for the several projects included in the construction program, determined on the basis of the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources, and in accordance with the regulations of the Surgeon General prescribed pursuant to the federal act, and shall provide for their construction in the order of relative need so determined, insofar as financial resources available therefor and for maintenance and operations make it possible. Specification of relative needs

(Added by Stats. 1947, Ch. 327.)

432.6. Applications for hospital construction projects for which federal funds are requested shall be submitted to the department, and may be submitted by the State or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to federal and state requirements, and shall be submitted in the manner and form prescribed by the department. Project applications

Any county which applies for or accepts federal funds for any hospital does so on condition that the hospital for which assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; and (b) shall not restrict patients to those unable to pay for their care. Conditions

(Added by Stats. 1947, Ch. 1486. Section of same number added by Stats. 1947, Ch. 327; repealed by Stats. 1955, Ch. 1575.)

432.7. The department shall afford to every applicant for assistance for a construction project an opportunity for a fair hearing before the council upon 10 days' written notice to the applicant. If the department, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of Section 432.6 and is otherwise in conformity with the state plan, it shall approve such application Hearing

and shall recommend and forward it to the Surgeon General. The department shall consider and forward applications in the order of relative need set forth in the state plan in accordance with Section 432.5.

(Added by Stats. 1947, Ch. 327.)

Inspection
and certi-
fication

432.8. From time to time the department shall inspect each construction project approved by the Surgeon General, and if the inspection so warrants, the department shall certify to the Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

(Added by Stats. 1947, Ch. 327.)

Federal
funds

432.9. The department is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. Money received from the Federal Government for a construction project approved by the Surgeon General shall be deposited in the Department of Public Health Fund, and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects.

(Added by Stats. 1947, Ch. 327.)

Appropriation

433. Any moneys deposited in the Department of Public Health Fund in accordance with the provisions of this article are appropriated for expenditure by the director for the purposes for which such moneys were received, in accordance with the provisions of this chapter. Any such funds received and not expended for the purposes of this article shall be repaid to the Treasury of the United States.

(Added by Stats. 1947, Ch. 327.)

Article 4. State Assistance for Hospital Construction

"Public
agency"

435. As used in this article, "public agency" means cities, counties, cities and counties, and local hospital districts.

(Added by Stats. 1947, Ch. 327.)

Same

435.1. "Public agency" also means any corporation, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, which is authorized to construct and operate a hospital.

(Added by Stats. 1947, Ch. 327.)

Adminis-
tration

435.2. The State Department of Public Health shall administer this article, and shall make such rules and regulations as may be necessary to carry out its provisions.

(Added by Stats. 1947, Ch. 327.)

Assistance

435.3. From any state moneys made available to it for that purpose, the department shall provide assistance pursuant to this article for the construction of hospitals to public agencies which apply therefor, if such public agencies are eligible for such assistance under this article and apply for and accept such assistance upon the conditions specified in this article.

(Added by Stats. 1947, Ch. 327.)

435.4. A public agency is eligible for state assistance under this article only if it qualifies for and receives assistance from the United States Government under the federal act. Eligibility

(Added by Stats. 1947, Ch. 327.)

435.5. Any public agency which applies for or accepts state assistance for any hospital under this article does so on condition that the hospital for which such assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; and (b) shall not restrict patients to those unable to pay for their care. Conditions of assistance

(Added by Stats. 1947, Ch. 327.)

435.6. The amount of state assistance which shall be provided to any public agency for any hospital under this article shall be a sum equal to the assistance received by the agency for its project under the federal act, but in no event shall the amount of the state assistance exceed one-third of the cost of construction of the project. Amount of assistance

(Added by Stats. 1947, Ch. 327; amended by Stats. 1955, Ch. 1575.)

435.7. Application for state assistance under this article shall be made to the State Department of Public Health, in the manner and form prescribed by the department. The department shall prescribe the time and manner of payment of state assistance, if granted. Applications

(Added by Stats. 1947, Ch. 327.)

PART 2. LOCAL ADMINISTRATION

CHAPTER 1. HEALTH OFFICERS AND ORDINANCES

Article 1. County Health Ordinances and Officers

450. The board of supervisors of each county shall take such measures as may be necessary to preserve and protect the public health in the unincorporated territory of the county, including, if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them. County ordinances, etc.

(Amended by Stats. 1957, Ch. 205.)

451. Each board of supervisors shall appoint a health officer who is a county officer. Health officer

(Amended by Stats. 1939, Ch. 413.)

451.5. (Added by Stats. 1939, Ch. 413; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

452. The county health officer shall enforce and observe in the unincorporated territory of his county, all of the following: General functions

(a) Orders and ordinances of the board of supervisors, pertaining to the public health and sanitary matters.

(b) Orders, quarantine and other regulations, and rules prescribed by the State Department of Public Health.

(c) Statutes relating to public health.

(Amended by Stats. 1949, Ch. 968.)

453. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Qualifica-
tions, com-
pensation

454. The county health officer shall be a graduate of a medical college of good standing and repute. His compensation shall be determined by the board of supervisors.

(Amended by Stats. 1943, Ch. 925.)

455. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Notice of
appointment

456. Immediately after the appointment of the health officer, the board of supervisors shall notify the director of the appointment and the name and address of the appointee.

Advice to
body
managing
retirement
system

457. The county health officer shall advise on medical matters any board or body in which is vested the management of any county pension or retirement system. He shall attend the meetings of such board or body when such board or body requests him so to do.

(Added by Stats. 1945, Ch. 578.)

County jail,
etc.:
Sanitary
investigation

459. The county health officer may investigate health and sanitary conditions in any county jail or other detention facility of the county and submit his report to the sheriff or other person in charge of such jail or detention facility and to the board of supervisors. In any city having a health officer, such health officer may investigate health and sanitary conditions in any city jail or other detention facility and submit his report to the person in charge of such jail or detention facility and to the governing body of the city.

Whenever so requested by the sheriff, the chief of police, the local legislative body, or the board of corrections, but not oftener than twice annually, the county health officer or, in cities having a city health officer, the city health officer, shall investigate health and sanitary conditions in any of the jails and detention facilities described in this section, and submit his report to each of the officers and agencies authorized in this section to request such investigation.

The investigating officer shall determine whether the standards referred to in Section 4015 of the Penal Code and in Article 2, Chapter 11, Division 21, of this code have been maintained.

(Added by Stats. 1953, Ch. 1874.)

Disposition
of X-ray
photographs
and case
records

460. The board of supervisors may authorize the destruction or the disposition to a public or private medical library of any X-ray photographs and case records which are more than five years old and which were taken by the county health officer in the performance of his duties with regard to infectious and communicable diseases if the county health officer has determined that such X-ray photographs do not show the existence of an infectious or communicable disease.

(Added by Stats. 1957, Ch. 1839.)

Article 2. County Health Administration for Cities

476. When the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following:

Enforcement
in city by
county
health officer

(a) Orders, quarantine regulations, and rules prescribed by the state department and other rules and regulations issued under the provisions of this code.

(b) Statutes relating to the public health.

(Amended by Stats. 1939, Ch. 150, and by Stats. 1949, Ch. 968.)

477. The resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July next succeeding the giving of notice. The services shall continue indefinitely until the governing body of the city terminates them by adoption of a resolution and ordinance and service of a certified copy on the clerk of the board of supervisors on or before the first day of March of any subsequent year. The services of the county health officer shall terminate on the first day of July immediately succeeding the giving of the notice.

Duration
of services

478. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 2A. Contracts for Local Health Administration

(Article 2A added by Stats. 1939, Ch. 150)

480. The board of supervisors may contract with a city in the county, and the city, through its governing body, may contract with the county for the performance by health officers or other employees of the county of any or all functions relating to, the enforcement in the city of all ordinances thereof relating to public health and sanitation, and the making of all inspections and the performance of all functions in connection therewith.

Contract for
enforcement
in city by
county

(Added by Stats. 1939, Ch. 150.)

481. Whenever the contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties in the city as are conferred upon health officers thereof by law.

Powers of
county
health officer

(Added by Stats. 1939, Ch. 150.)

482. In the contract the city may provide for the payment by the city to the county of such consideration as may be agreed upon, to be paid to the county treasurer of the county, which compensation shall be payable at such times as are specified and shall be in an amount to repay the county for the entire cost to it of the services performed for the city and required in the enforcement of ordinances under the terms of the contract, as nearly as can be estimated or ascertained.

Compensation

(Added by Stats. 1939, Ch. 150.)

Enforcement
in county
by city

483. The board of supervisors may contract with a city in the county, through its governing body, to secure the performance by the health officer or other health employees of the city, in any unincorporated territory adjacent to the city, of any or all functions relating to public health.

(Added by Stats. 1939, Ch. 150.)

Compensation

484. Payment for the services in the unincorporated territory shall be made by the county to the city treasurer of the city.

(Added by Stats. 1939, Ch. 150.)

Contracts
for services
in schools

485. The board of supervisors or the governing body of any city or local health district may contract with the county superintendent of schools of the county or with the governing board of any school district located wholly or partially in such county, city or local health district for the performance by health officers or other employees of the public health departments of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school districts over which the county superintendent of schools, or such governing board, has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the parties to the contract and shall be paid at such times as shall be specified in the contract to the county treasurer, city treasurer or local health district, as the case may be.

(Added by Stats. 1939, Ch. 150; amended by Stats. 1945, Ch. 722, and by Stats. 1957, Ch. 670.)

486. (Added by Stats. 1939, Ch. 150; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 3. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

491. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

492. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

493. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 4. City Health Ordinances, Boards, and Officers

Health
measures

500. The governing body of a city shall take such measures as may be necessary to preserve and protect the public health, including the regulation of sanitary matters in the city, and including if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws.

(Amended by Stats. 1957, Ch. 205.)

Advisory
board

501. This article does not prevent the appointment by the governing body of a board of health which shall be advisory to the health officer.

502. Every governing body of a city shall appoint a health officer, except when the city has made other arrangements, as specified in this code, for the county or district health officer to exercise the same powers and duties within the city, as are conferred upon health officers thereof by law. Health officer

(Amended by Stats. 1957, Ch. 205.)

503. Immediately after the appointment of the city health officer the governing body shall notify the director of the appointment and the name and address of the appointee. Notice of appointment

504. Each city health officer shall enforce and observe all of the following: Duties

(a) Orders and ordinances of the governing body of the city pertaining to the public health.

(b) Orders, quarantine and other regulations, and rules, concerning the public health, prescribed by the state department.

(c) Statutes relating to the public health.

(Amended by Stats. 1949, Ch. 968.)

505. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

506. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

507. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

508. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

509. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 5. Sanitarians

(Article 5 added by Stats. 1945, Ch. 856)

540. "Sanitarian," as used in this article, means a person trained in the field of sanitary science and technology who is qualified to carry out educational and inspectional duties and enforce the law in the field of sanitation. "Sanitarian"

(Added by Stats. 1945, Ch. 856.)

541. The governing body of a city, of a county, or of a local health district may employ on a full time basis one or more sanitarians each of whom shall be a registered sanitarian as provided for in this article for the purpose of the enforcement of such State statutes relative to public health, and such rules and regulations of the State Board of Public Health, and any local ordinances of a city, county or local health district that relate to the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation or housing; provided, however, that any person who shall be known as assistant sanitarian may without a certificate of registration be employed to work under the supervision of a registered sanitarian until such time as he may be qualified by examination as provided under Section 542 (b), such time not to exceed two years of such employment. Registration
Employment of assistant

(Added by Stats. 1945, Ch. 856.)

Qualifications

542. The State department shall certify as a registered sanitarian any person who qualifies himself by one of the following procedures:

(a) The State department shall accept for registration as a registered sanitarian (1) any person who on or before January 1, 1946, has passed an official civil service examination as certified by an official agency qualifying him as a sanitarian, food and market inspector, sanitary inspector, or housing inspector, given by the State, or by any city, county or local health district of the State; or (2) any person who has prior to the effective date hereof been employed as a sanitarian, food and market inspector, sanitary inspector, or housing inspector by the State, any city, any county, or any city and county, or any local health district of the State.

Examination

(b) The State department may hold examinations in various parts of the State for the purpose of determining persons who are qualified and competent to act as registered sanitarians who desire to become employed on a full time basis in health departments of the State, or of any city, or any county, or of any local health district of the State in the enforcement of State statutes relative to public health, the rules and regulations of the State Board of Public Health and local ordinances pertaining to public health. The State department shall issue a certificate as a registered sanitarian to each person who passes such examination. The State Board of Public Health may by rule establish minimum standards and qualifications for such persons.

(Added by Stats. 1945, Ch. 856.)

CHAPTER 2. PUBLIC HEALTH NURSES

Appointment by cities

600. The governing body of a city may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

Duties

601. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the city as the governing body may assign to her. Her compensation shall be determined by that body.

Compensation

Appointment by counties

602. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the State department.

Duties

603. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county as the board of supervisors may assign to her. Her compensation shall be determined by that board.

Compensation

CHAPTER 3. DENTISTS AND DENTAL HYGIENISTS

Appointment by city

700. The governing body of a city may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

701. The dentist or dental hygienist shall attend to such dental conditions of the city as the governing body may assign to him. His compensation shall be determined by that body.

Duties

Compensation

702. The board of supervisors in each county may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist.

Appointment by county

703. The dentist or dental hygienist shall attend to such dental conditions of the county, as the board of supervisors may assign to him. His compensation shall be determined by that board.

Duties

Compensation

CHAPTER 4. (Repealed by Stats. 1957, Ch. 205)

800. (Added by Stats. 1941, Ch. 575; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

800.5. (Formerly 800. Amended and renumbered by Stats. 1941, Ch. 575; repealed by Stats. 1957, Ch. 205. See note following Sections 112.)

801. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

802. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

803. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

804. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

805. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

806. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

807. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

808. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

809. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

810. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

811. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 5. LOCAL HEALTH AND SAFETY REGULATIONS

850. Any board of supervisors may levy a special sanitary tax, not to exceed one-half mill on the one dollar (\$1) of assessed valuation, on all the property in the county, outside of any city.

Sanitary tax

The tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious, or communicable diseases, to eradicate them if introduced, and for the purpose of general sanitation.

Explosives

851. Any board of supervisors may adopt such rules and regulations with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require.

CHAPTER 6. LOCAL HEALTH DISTRICTS
(Chapter 6 repealed by Stats. 1959, Ch. 380.
Operative October 1, 1959)

NOTE: Stats. 1959, Ch. 380, which repealed Chapter 6, provided as follows:

Notwithstanding such repeal, the organization, existence, or powers of any district created by, or organized pursuant to, the provisions of such Chapter 6 shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by that chapter. No district shall be created or organized pursuant to that chapter after October 1, 1959.

Article 1. Definitions and General Provisions

District

* 880. "District," as used in this part, refers to a district organized pursuant to this chapter or pursuant to any law which it supersedes.

District board

* 881. "District board," as used in this part, refers to the board of trustees of the district.

Unit

* 882. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a district shall likewise be regarded as a "unit."

Board of supervisors

* 883. If the territory of the proposed district is in more than one county, the phrase "board of supervisors" as used in this chapter includes the plural as well as the singular and the same procedure and law as set forth in this chapter for the establishing of a district in one county only likewise applies to the adjoining county or counties all or a portion of whose territory is included in the proposed district.

Law applicable

* 884. Chapter 1 of this part shall not apply to any area in a district except as to ordinances.

(Added by Stats. 1939, Ch. 150.)

Article 2. Formation

Formation

* 900. A local health district may be organized pursuant to this chapter.

Petition

* 901. A petition to form a district may consist of any number of separate instruments.

* 902. The petition shall set forth and describe the boundaries of the proposed district and shall pray that it be organized as a local health district.

Territory

* 903. A district may include incorporated or unincorporated territory, or both, in one or more counties.

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

The territory of the district shall consist of contiguous parcels only.

The territory of a city shall not be divided.

* 904. Before a city can be included in the proposed district, the governing body of the city shall, by resolution duly authenticated, request the inclusion of the city. Consent of city

* 905. A petition to form a district shall be signed by registered voters of each unit of the proposed district equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last preceding general election at which a Governor was elected. Signatures

* 906. The petition may be presented at a regular meeting of the board of supervisors of the county in which all or a portion of the proposed district is situated. Presentation

* 907. There shall be published in a daily, semiweekly, or weekly newspaper of general circulation printed and published in each city included in the proposed district for four successive publications all of the following: Publication of notice

(a) A reference to the text of the petition.

(b) A notice of the time of the meeting of the board stating when the petition will be presented and that all persons interested may then appear and be heard.

* 908. If there is situated in the proposed district any city in which there is no such newspaper there shall be posted, prior to the time the petition is to be presented, for 30 successive days in three public places in the city, with the text of the petition as specified in this chapter, a notice of the time of presentation of the petition. Posting of notice

* 909. At least one month prior to the time at which the petition is presented for hearing, a copy of the text of the petition and of the notice shall be filed with the State department and with the board of supervisors of the county or counties in which it is proposed to form the district. Filing

* 910. In each city and unincorporated unit in a proposed district there shall be posted, prior to the time at which the petition is to be presented, for 30 successive days, copies of all of the following: Posting

(a) Text of the petition.

(b) The notice.

* 911. When the petition is composed of more than one instrument, one copy only need be posted or published.

* 912. No more than five of the names attached to the petition need appear in the publication or posting, but the number of signers shall be stated.

* 913. At the time the petition is presented the board of supervisors shall consider the petition and hear those appearing on, and all protests and objections to, it. It may adjourn the hearing from time to time, not exceeding two months in all. Hearing

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 320, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

Finding

* 914. Upon the hearing of the petition the board of supervisors shall determine whether it complies with the provisions of this chapter and whether the public necessity or the welfare of the inhabitants of the proposed territory requires the formation of the district.

**Submission
to vote of
people**

* 914.5. If the petition is signed by registered voters of each unit of the proposed district, not less in number than 20 percent of the entire vote cast in each unit respectively for the office of Governor at the last gubernatorial election, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the board of supervisors shall either:

(a) Pass the ordinance without alteration at a regular meeting within 30 days after the petition is presented; or

(b) Order the matter of the creation of the proposed district to be submitted immediately to the voters registered in the proposed district at an election to be called for that purpose.

(Added by Stats. 1947, Ch. 1092.)

Order

* 914.6. If at the election a majority of all those voting upon the creation of the district, and a majority of those voting thereon in each unit of the proposed district is in favor of the formation of the district, the board of supervisors shall make an order forming the district, and thereupon it is formed. The order shall contain the name of the district and indicate its territorial extent.

(Added by Stats. 1947, Ch. 1092.)

**Changes in
boundary**

* 915. On the final hearing the board shall make such changes in the proposed boundaries as may be advisable and shall define and establish the boundaries.

If the board deems it proper to include in the district any territory not included within the boundaries proposed in the petition, the board shall first give notice of its intention to do so, in the manner required for notice of the initial hearing.

Defects

* 916. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings if the petition has a sufficient number of qualified signatures.

Finality

* 917. The findings of the board of supervisors are final and conclusive against all persons except the State in a suit commenced by the Attorney General.

**Order
establishing
district**

* 918. If it appears to the board of supervisors that the petition complies with the provisions of this chapter and that the public necessity or the welfare of the inhabitants requires the formation of the district, it shall by an order entered on its minutes declare its findings, and shall declare and order that the territory within the boundaries so fixed and determined be established as a district, under an appropriate name selected by the board. The name shall include the words "local health district."

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

* 919. No district involving more than one county shall be formed without the concurrent consent of the respective board of supervisors of each of the counties, as well as the consent of the cities included. Consent of counties

* 920. The county clerk of the county in which the order is issued shall immediately file a certified copy of the order with the Secretary of State and with the county clerk of each county in which, or any portion of, the district is situated. Transmission of order to Secretary of State

Within 10 days after the filing the Secretary of State shall issue and deliver to the county clerk a certificate of incorporation reciting that the district (naming it) has been incorporated. Certificate of Incorporation

The county clerk shall deliver the certificate of incorporation to the board of trustees of the district at its first meeting.

* 921. From and after the date of the certificate of incorporation, the district is incorporated as a district with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto. Effective date

* 922. The district is incorporated when the respective counties have fully complied with this chapter, and when the Secretary of State has received the respective certified copies of the orders of the counties and delivered to the respective county clerks within the time specified in this chapter his certificate of incorporation reciting that the district has been incorporated. Delivery of orders to Secretary of State

Article 3. Board of Trustees

* 925. The governing board of the district is called "the board of trustees of ---- Local Health District" (inserting the name of the particular district). Board

Within 30 days after the issuance by the Secretary of State of the certificate of incorporation of the district, the district board shall be appointed.

* 926. The district board shall consist of at least five members and shall be created as follows: Membership

(a) The governing body of each county within the district shall appoint one member of the board of trustees for each one hundred thousand (100,000) population of the unincorporated area of the county or fraction thereof, excluding the population of the cities within the county, except that where the population of the unincorporated area exceeds three hundred thousand (300,000) not more than three (3) members shall be appointed by the board of supervisors. For purposes of representation cities of two thousand five hundred (2,500) or less shall be included in the unincorporated area.

(b) The governing body of each city within the district, except cities of two thousand five hundred (2,500) population or less, shall appoint one member of the board of trustees for each one hundred thousand (100,000) population within the

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

city or fraction thereof but no city shall appoint more than three (3) members of the board of trustees.

(c) The board of trustees shall consist of at least five (5) members. If the board of trustees established under subdivisions (a) and (b) has less than five members, additional members shall be appointed according to one of the following methods:

(1) If the district is in one county only, the governing body of that county shall appoint enough additional members to make a board of trustees of five members.

(2) If the district is in two or more counties the governing bodies of the counties shall jointly appoint enough additional members to make a board of trustees of five members.

(d) The provisions of this section shall not affect districts organized before the passage of this act.

(Amended by Stats. 1947, Ch. 1092.)

Same:
Districts
organized
before
September
19, 1947

* 926a. This section shall govern and control the number of members of district boards and the manner of their respective appointments in all districts organized before September 19, 1947.

The district board shall consist of at least five members. One member shall be appointed from each unit of unincorporated territory by the board of supervisors of the county in which the unit is situated.

One member shall be appointed from each city in the district, by the governing body of the city.

If the district board thereby created consists of less than five members additional members shall be appointed according to one of the following methods:

(a) If the district is in one county only the board of supervisors shall make the appointment from the district at large of enough additional members to make a board of five trustees.

(b) If there are several units of the district in more than one county, one additional member by the board of supervisors of each county where a unit is situated.

(c) By the boards of supervisors jointly if the district includes units in several counties and only one additional member is to be appointed.

(Added by Stats. 1951, Ch. 1255.)

Vacancy

* 927. A vacancy shall be filled by the appointing power for the unexpired term.

Terms

* 928. The members shall hold office for the term of four years from the second day of the calendar year next succeeding their appointment; however, the members of the first district board appointed in a district shall at the first meeting of the board so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven, that a bare majority of their number, shall go out of office at the expiration of two years from and the remainder at the

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

expiration of four years from, the second day of the calendar year next succeeding their appointment.

Provided, however, the district board of any district organized prior to September 19, 1947, may at any time provide that the terms of all its members shall terminate as of January 1st in the year next succeeding that in which such provision is made, in which event members of the district board shall be appointed pursuant to Section 926a to take office on the January 2d immediately following such termination. The members of the board so appointed shall classify themselves, and they and their successors shall hold office, in the same manner and for the same terms as provided in this section for members of the first district board and their successors.

(Amended by Stats. 1947, Ch. 1092, and by Stats. 1951, Ch. 1254.)

* 929. The members of the district board shall meet on the first Monday subsequent to 30 days after the issuance of the certificate of incorporation by the Secretary of State, and shall organize by the election of one of their members as president and one as secretary. First meeting

* 930. The members of the district board shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in attending meetings of the board. Compensation

* 931. The district board shall provide for the time and place of holding its regular meetings and the manner of calling them, and shall establish rules for its proceedings and may adopt such rules and regulations as may be necessary for the exercise of its powers and duties. Meetings

Special meetings of the district board may be called by three members upon notice mailed to each member at least 48 hours before the meeting.

All of its sessions, whether regular or special, shall be open to the public, and a majority of the members shall constitute a quorum for the transaction of business.

Article 4. District Powers

* 935. A local health district may exercise the powers in this chapter granted or necessarily implied. Powers

* 936. A district may do any or all of the following:

- (a) Have and use a corporate seal and alter it at pleasure.
 - (b) Sue and be sued in all actions and proceedings.
 - (c) Purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of the district, and control, dispose of, convey, and encumber it and create a leasehold interest in it for the benefit of the district.
- Powers enumerated

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

(d) Acquire, construct, maintain, and operate all works and equipment necessary for the inspection of water, milk, meat, and other foods.

(e) Acquire, construct, maintain, and operate all works and equipment necessary for the extermination of rodents.

(f) Acquire, construct, maintain, and operate all works and equipment necessary for the disposal of garbage and waste.

(g) Employ public health nurses and health visitors and cooperate with educational authorities in health inspection in public or private schools in the district.

(h) Exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(i) Enforce all statutes relating to the public health and vital statistics, and all orders, quarantine regulations, and rules prescribed by the State Department of Public Health and other rules and regulations issued under the provisions of this code.

(j) Enforce such local orders and ordinances pertaining to health and sanitary matters within the district as may be authorized by the appropriate local authorities.

(k) Unite with any other local health district in the exercise of any of the powers granted to and vested in the district, the cost to be paid by each district in such proportion as may be agreed upon by the respective district boards.

(l) Exercise all other needful powers for the preservation of the health of the inhabitants of the district, whether the powers are expressly enumerated in this chapter or not.

Construction
of chapter

The powers granted in this chapter shall be liberally construed for the purpose of securing the well-being of the inhabitants of the district.

(Amended by Stats. 1949, Ch. 968.)

Health
supervision
contracts

* 937. The district board of a local health district may contract with the county superintendent of schools of the county for the performance by health officers or other employees of the district of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school districts over which the county superintendent of schools has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the district board and the county superintendent of schools and shall be paid by the county superintendent of schools at such times as shall be specified in the contract into the county treasury to the credit of the district fund.

(Added by Stats. 1955, Ch. 1084.)

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

Article 5. Administration and Operation

* 940. The district board shall appoint and fix the compensation of a district health officer, who may be removed by the board only by a two-thirds vote of the members. He shall be the holder of a degree in medicine, in sanitary engineering, or in public health, and shall have had at least one year's experience in public health work. He shall devote his entire time to the duties of his office and shall not engage in any other occupation or business. Health officer

* 941. The district board shall provide suitable supplies, equipment, and office facilities for the district health officer and, upon his recommendation, shall fix the compensation and define the powers and duties of such deputies and assistants as the board may deem necessary to carry out the provisions of this chapter. Offices, employees, etc.

If a meat inspector is employed, he shall be a graduate veterinarian legally qualified to practice veterinary medicine in the State.

* 942. The district health officer, his deputies, and his assistants, shall receive their actual necessary expenses incurred in the performance of their duties. In enforcing State statutes, orders, regulations, and rules, and local orders and ordinances the district health officer shall have such powers as are or may be hereafter conferred by general law upon county or city health officers. Expenses
Powers of health officer

* 943. All district officers, deputies, and assistants, other than the health officer and the members of the district board, shall be appointed and may be removed by the district board on the recommendation of the district health officer, subject to such rules and regulations as the district board may adopt for the appointment and employment of deputies and assistants, based on merit, efficiency, character, and industry. Appointments

* 944. The district health officer is the administrative head of the district and, except as otherwise prescribed in this chapter, shall exercise the powers granted to and vested in the district; except that he may not purchase property or incur expenditures without the approval or ratification of the district board. Powers of health officer

Article 6. Finances and Taxation

* 950. Annually, at least 15 days before the first day of the month in which county taxes are levied, the district board shall furnish to the board of supervisors of the county in which any part of the district is situated an estimate in writing of the amount of money necessary for all purposes required under the provisions of this chapter during the next ensuing fiscal year. Annual tax

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

Thereupon the board of supervisors shall levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

Apportion-
ment

* 951. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within the district as shown upon the last assessment rolls of the counties, and the estimate apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

Rate

* 952. The tax for a district shall in no case exceed the rate of fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes.

Collection

* 953. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All moneys so collected shall be paid into the county treasury to the credit of the district fund and shall be paid out on the order of the district board, signed by the president and secretary.

Claims

* 954. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Article 7. Annexation of Territory

Annexable
territory

* 958. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a district, may be annexed to the district at any time upon proceedings being had and taken as provided in this chapter; except that in the annexation the territory of a city shall not be divided.

Petition

* 959. Upon receiving a written petition containing a description of territory proposed to be annexed to the district, signed by the owners of more than one-half of the assessed value of the territory as shown by the last county assessment roll, and asking for annexation to the district, the district board shall thereupon submit to the electors of the district and to the electors residing in the territory proposed to be annexed, the proposition whether the territory shall be annexed to the district.

Election

* 960. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district, and also in

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

a newspaper printed and published in the territory proposed to be annexed.

* 961. The proposition to be submitted to the electors at the election, both within the district and within the territory proposed to be annexed, shall be as follows: "For annexation," and "Against annexation," or equivalent words. Ballot

* 962. The district board shall canvass the votes cast in the district, and the votes cast in the territory proposed to be annexed, and if it appears from the canvass that a majority of all the ballots cast in the district and a majority of all the ballots cast in the territory proposed to be annexed are in favor of annexation, the district board shall certify that fact to the Secretary of State, describing the property proposed to be annexed. Canvass of votes

Upon receipt of the certificate, the Secretary of State shall issue his certificate of annexation reciting that the territory (describing it) has been annexed to the ----- Local Health District (naming it), and a copy of the certificate of the Secretary of State shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated. Certificate of annexation

* 963. From and after the date of the certificate of annexation the territory described in it is annexed to and forms a part of the district. Effect

* 964. If the property proposed to be annexed includes a city, consent to annexation shall first be obtained from its governing body and an authenticated copy of the resolution or order giving consent shall be attached to and made a part of the petition. Consent of city

Article 8. Dissolution

* 967. A district may at any time be dissolved upon the vote of a majority of the votes cast at an election called by the district board upon the question of dissolution and the proposition which shall be submitted to the electors at the election shall be as follows: "Shall the district be dissolved?" Election

(Amended by Stats. 1959, Ch. 380.)

* 968. The election shall be called and held, and notice shall be published for at least four weeks prior to the election in a newspaper printed and published in the district. Notice

* 969. If a majority of the votes cast at the election are in favor of dissolution, the district board shall certify the fact to the Secretary of State, and upon receipt of the certificate, the Secretary of State shall issue his certificate of dissolution reciting that the district (naming it) has been dissolved, and a copy of the certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated. Certificate of dissolution

(Amended by Stats. 1959, Ch. 380.)

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

Property

* 970. From and after the date of the certificate or dissolution the district is disincorporated and the property of the district shall be ratably apportioned among the several cities included in the district and the counties in which any portion of the district is situated, in proportion to the assessed value of the property included within the district as shown upon the last county assessment roll or rolls.

**Contract:
State
Employees'
Retirement
System**

* 971. The governing body of each district created herein may enter into a contract with the Board of Administration, California State Employees' Retirement System, making its employees members of that system. Such contracts shall be subject to the provisions of the State Employees' Retirement Law governing contracts between governing bodies of public agencies and said board, except that an election among the employees of districts shall not be held.

(Added by Stats. 1947, Ch. 1092.)

**Transfer of
employee
to district**

* 972. If an employee of a public agency ceases to be such an employee and enters the employ of a district created herein, because of transfer of a health function from said public agency to said district, and if said employee was a member of a retirement system maintained by the public agency, credit as prior service shall be given under the State Employees' Retirement System, for any service which otherwise would have been credited to said employee under the public agency's retirement system; provided, that said employee shall pay forthwith to said State Employees' Retirement System an amount equal to the accumulated contributions refunded to him by the public agency's retirement system.

(Added by Stats. 1947, Ch. 1092.)

CHAPTER 7. MUNICIPAL AND COUNTY LABORATORIES

Purposes

1000. For the purpose of protecting the community against infectious disease, any city or county may establish a bacteriological and chemical laboratory for the examination of specimens from suspected cases of disease and for the examination of milk, waters, and food products.

Cost

1001. The cost of establishment and maintenance of the laboratory is a legal expenditure from any city or county funds that are for disbursement under the direction of the city or county health officer for the protection of public health.

**Approval
by State
department**

1002. Any city or county laboratory established for the purposes set forth in this chapter shall use only equipment and employ only technical personnel that meets with the approval of the State department.

(Amended by Stats. 1939, Ch. 259.)

* NOTE: Chapter 6, consisting of Sections 880-972, repealed by Stats. 1959, Ch. 380, with saving clause. For text of saving clause, see note at beginning of Chapter 6.

CHAPTER 8. STATE AID FOR LOCAL HEALTH ADMINISTRATION

(Chapter 8 added by Stats. 1947, Ch. 1562)

Article 1. Definitions and General Policy

1100. The rapid increase in the population of the State and the increasing industrialization in both the urban and rural areas necessitate the provision of effective public health services to all the people of the State. Policy

In many areas within the State local public health agencies (that is, health departments of counties, cities and local health districts) lack the necessary funds, and the local population lack the means to furnish funds, to provide effective public health services.

The Legislature therefore seeks to further the provision of necessary public health services by granting financial assistance to cities, counties, and local health districts, thus enabling them to meet present and future health needs in an efficient and effective manner. The funds to be granted are to augment local appropriations provided for public health purposes, and shall not be used to replace local appropriations.

The administrative pattern providing public health services to all the people of the State will vary in different areas. It is generally recognized that the minimum population necessary for efficient administration of a local public health unit is approximately 50,000. To attain this desirable population minimum it will be necessary in some areas for two or more counties to unite and establish a single administrative public health unit. Minimum population for public health unit

(Added by Stats. 1947, Ch. 1562.)

1101. "Population," for the purpose of this chapter, shall be determined by the most recent United States decennial census; provided, however, whenever it appears to the State Department of Public Health that the population of any city, county, or city and county has changed sufficiently to warrant adjustment, the State Department of Public Health for purposes of this chapter may determine population for cities, counties, and cities and counties. "Population"

(Added by Stats. 1947, Ch. 1562.)

1102. For the purposes of this chapter a "local health department" shall be interpreted to mean any one of the following public health administrative organizations: "Local health department"

(a) A local health district created pursuant to Division 1, Part 2, Chapter 6 of the Health and Safety Code, which includes territory in one or more counties, and which includes at least all of the cities which have less than 50,000 population in such county or counties.

(b) A local health department serving one or more counties which shall on the effective date of this act and thereafter provide services to all cities whose population is less than 50,000 in addition to the unincorporated territory of such county or counties.

(c) A county health department which does not serve all of the cities of less than 50,000 population, but which has the provisional approval of the State Department of Public Health, in accordance with Section 1140.

(d) The health department of a city of 50,000 or greater population, except that the governing body of such city by resolution may declare its intention to be included under the jurisdiction of the county health department, or of the local health district serving other territory in such county, as provided by existing statutes.

(e) The local health department of any county which had under its jurisdiction on the effective date of this chapter a population in excess of 1,000,000, or the local health department of any city and county.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1949, Ch. 967, and by Stats. 1951, Ch. 94.)

Article 2. Administration

1110. There is hereby established a California Conference of Local Health Officers with which the board and the department shall consult in establishing standards as provided in this chapter. The conference shall consist of all legally appointed local health officers in the State. It shall organize, and shall annually elect a president, a vice president and a secretary, who shall serve as the executive committee of the conference and each of whom shall be a full-time local health officer. The president of the conference, after consultation with the director, shall appoint, for the purpose of advising with the director, such other committees of the conference as may from time to time be necessary.

Meetings

Meetings of the conference for the purpose of this chapter shall be called by the director who shall give the members at least ten (10) days' notice of such meetings. At official sessions of meetings of the conference the director shall preside; provided, however, that the conference may hold additional sessions as may be determined by the executive committee of the conference at which the president or other member of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum.

Expenses

Actual and necessary expenses incident to attendance at not more than two meetings per year of the conference shall be a legal charge against the local governmental unit. Actual and necessary expenses incident to attendance at special meetings of the committees of the conference called by the director shall be a legal charge against any funds available for administration of this chapter.

(Added by Stats. 1947, Ch. 1562.)

Meetings

1110.1. All meetings of the conference shall be open and public.

(Added by Stats. 1957, Ch. 2222.)

Records

1110.2. All records of the conference shall be open to inspection by the public during regular office hours.

(Added by Stats. 1957, Ch. 2222.)

California
Conference
of Local
Health
Officers

1110.5. Nothing in this chapter or in any rule or regulation prescribed by the State Department of Public Health in accordance herewith shall compel any practitioner who treats the sick by prayer in the practice of the religion of any well recognized church, sect, denomination, or organization or any persons covered by Sections 2731 and 2800 of the Business and Professions Code to give any information about a disease or disability which is not infectious, contagious, or communicable or authorize any compulsory education, medical examination, or medical treatment.

Information
about
disease or
disability

(Added by Stats. 1947, Ch. 1562.)

1111. The State Department of Public Health shall administer this chapter and the State Board of Public Health shall adopt rules and regulations necessary thereto; provided, however, that such rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Health Officers. Approval of such rules and regulations shall be by majority vote of those present at an official session.

Administra-
tion, rules
and regu-
lations

(Added by Stats. 1947, Ch. 1562.)

1112. The State Department of Public Health may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by said department, and for the establishment and maintenance of field training centers in local health departments and in the State Department of Public Health.

Consultant
service

(Added by Stats. 1947, Ch. 1562.)

Article 3. Qualification for Financial Assistance

1120. Such health departments as qualify for assistance as provided herein, on or after the effective date of this chapter, shall receive such financial aid as hereinafter provided as of the date of their becoming eligible.

Financial
assistance

(Added by Stats. 1947, Ch. 1562.)

Article 4. Standards

1130. The State Department of Public Health, after consultation with and approval by the Conference of Local Health Officers, shall by board regulations establish standards of education and experience for professional and technical personnel employed in local health departments and for the organization and operation of the local health departments. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Public Health in a manner and at such times as it may specify.

Standards
of educa-
tion, etc.

(Added by Stats. 1947, Ch. 1562.)

Article 5. State Aid

1140. Provisional approval may be given by the State Department of Public Health to a county health department which

Provisional
approval

meets minimum standards as provided for in this chapter, but which does not serve all cities of less than 50,000 population within such county.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1949, Ch. 967 and by Stats. 1951, Ch. 94.)

Allocation

1141. From the appropriation made for the purposes of this article, allocation shall be made to the administrative bodies of qualifying local health departments in the following manner:

(a) A basic allotment as follows:

To the administrative bodies of local health departments serving the territory in one or more counties a basic allotment of sixteen thousand dollars (\$16,000) per county or sixty cents (\$.60) per capita per county, whichever is the lesser; provided, however, that if a county is divided into two or more local health department jurisdictions the basic allotment shall be divided between the departments in proportion to the population served by each department, except that no funds shall be available to any city of less than 50,000 population for the maintenance of an independent health department.

(b) A per capita allotment, determined as follows:

After deducting the amounts allowed for the basic allotment as provided in this section, the balance of the appropriation shall be allotted on a per capita basis to the administrative body of each local health department in the proportion that the population of that local health department jurisdiction bears to the population served by all qualified local health departments of the State.

(Added by Stats. 1947, Ch. 1562; amended by Stats. 1953, Ch. 1231.)

Notice

1153. After determining the total amounts available to each area, the State Department of Public Health shall notify the governing body of each local health department of such amount, and of the conditions governing its availability.

(Added by Stats. 1947, Ch. 1562.)

Local funds

1154. No funds appropriated for the purposes of this article shall be allocated to any local health department unless the governing body of such local health department has appropriated for the same period from local funds for the support of such local health department an amount equal to at least twice the per capita allotment provided in Section 1141 (b) of this chapter, such local funds to be wholly exclusive of any state or federal funds received or receivable. Actual expenditures of local funds, exclusive of state or federal funds received, shall be not less than this proportion of the total expenditures.

(Added by Stats. 1947, Ch. 1562.)

Minimum standards

1155. No funds appropriated for the purposes of this article shall be allocated to any local health department whose professional and technical personnel and whose organization and program do not meet the minimum standards established by the State Department of Public Health.

(Added by Stats. 1947, Ch. 1562.)

1156. The basic and per capita allotments shall be paid Payments
quarterly quarterly to the administrative body of each qualifying local health department. Each quarterly payment may be adjusted on a basis of the actual expenditures during the previous quarter, if such adjustment is necessary to maintain the minimum proportional relationship of state and local expenditures as outlined in Section 1154. The State Department of Public Health shall certify to the State Controller the amounts to be paid to each local health department each quarter and the State Controller shall thereupon draw the necessary warrants, and the State Treasurer shall pay to the administrative body of each local health department the amount so certified. Any such payments may be withheld by the State Department of Public Health if a local health department fails to continue to meet the minimum standards established, provided that not less than 45 days' advance notice of intention to withhold such payments, and the reasons therefor, shall be given to the governing body of the local health department. Withholding
payments

(Added by Stats. 1947, Ch. 1562.)

1157. In lieu of any other provisions of this chapter, upon request of the board of supervisors of any county of less than 40,000 population and upon the appropriation for public health purposes by such county of a sum of not less than fifty-five cents (\$0.55) per capita for the total county population, the State Department of Public Health may organize and operate a local public health service in such county. The State Department of Public Health may conduct such local public health service either directly, or by contract with other agencies, or by some combination of these methods as may be agreed upon by the State Department of Public Health and the board of supervisors of the county concerned. The creation of a county board of public health or a similar local advisory group shall be at the discretion of the board of supervisors. The state financial assistance which is appropriated for public health services in counties which have not qualified or do not elect to qualify for such funds under other provisions of this chapter, is hereby made available to the State Department of Public Health for such purposes. Funds expended pursuant to this section shall be in accordance with law regarding expenditures of money appropriated out of the State Treasury, including those in the Budget Act and any applicable provisions of the Government Code. Local public
health
service

(Added by Stats. 1953, Ch. 740.)

DIVISION 2. LICENSING PROVISIONS

CHAPTER 1. CLINICS AND DISPENSARIES

(Chapter 1 repealed and added by Stats. 1953, Ch. 1098)

NOTE: Stats. 1953, Ch. 1098, which repealed and added Chapter 1, also contained the following provision:

SEC. 3. It is the intent of the Legislature that Chapter 1 of Division 2 of the Health and Safety Code added by Section 2 of this act shall be considered a revision and continuation of the Chapter 1 of said division

repealed by this act; and that all licenses issued under said former chapter shall be continued in existence as though issued under the chapter added by this act; and that all licenses issued to private pay clinics under said former chapter may be renewed from year to year upon compliance with all provisions of the chapter added by this act, and regulations issued thereunder, and all such private pay clinics shall be subject to each and all of the provisions of the chapter added by this act; and that all acts taken in proceedings pending under said former chapter shall not be effected by its repeal.

Article 1. Definitions and General Provisions

(Article 1 repealed and added by Stats. 1953, Ch. 1098)

License
requirement

1200. No person, firm, partnership, association, corporation, or political subdivision of the State, or other governmental agency within the State shall operate, establish, manage, conduct or maintain a clinic or hold out, represent, or advertise by any means, the operation of a clinic in this State, without first obtaining a license therefor as provided in this chapter.

(Repealed and added by Stats. 1953, Ch. 1098; amended by Stats. 1955, Ch. 807.)

Exceptions

1200.5. This chapter does not apply to, and no license is required by, a place or establishment wholly owned and operated by one or more licensed physicians and surgeons or one or more licensed dentists or one or more licensed chiropodists, and used as the office for the practice of medicine and surgery or dentistry or chiropody, as the case may be, of such owners, regardless of the name used publicly to identify such place or establishment.

(Added by Stats. 1955, Ch. 807.)

1201. (Repealed by Stats. 1953, Ch. 1098.)

"Clinic"

1202. As used in this chapter "clinic" means any place, establishment, or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purposes of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances, or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

The performance of duties by governmental health officers or school employees, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury, shall not be considered clinics under provisions of this chapter.

(Repealed and added by Stats. 1953, Ch. 1098.)

Clinics
eligible

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

(a) Charitable clinic is a clinic supported and maintained in whole or in part by donations, bequests, gifts or contributions, in which advice, diagnosis, treatment, medicines, drugs, appliances or apparatus concerning bodily and mental disease and injuries is given without charge. No corporation, other

than a charitable corporation, shall operate a charitable clinic. No natural person or persons shall operate a charitable clinic. Nominal charges, made and collected from individuals advised or treated in a charitable clinic to defray administrative costs, if approved by the State Department of Public Health do not affect the status or classification of a charitable clinic.

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a recognized healing art and is approved by the state agency having regulation of the practice of that healing art.

(c) An employer's clinic is a clinic operated by an employer, or jointly by two or more employers, without profit to them, for the prevention and treatment of accidental injuries to, and the care of the health of, their employees only.

(d) An employees' clinic is a clinic operated by a group of employees or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

(Repealed and added by Stats. 1953, Ch. 1098; amended by Stats. 1957, Ch. 1666.)

1204. The provisions of this chapter do not apply to the **Exemptions** following:

(a) Any clinic conducted, maintained, or operated by the United States Government, or by any of its departments, officers or agencies or by this State, or by any of its political subdivisions or districts, or by any city.

(b) Clinics conducted, maintained, or operated as outpatient departments of hospitals.

(Repealed and added by Stats. 1953, Ch. 1098.)

1205. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation except charitable corporations as expressly provided in this chapter, to furnish to any person medical, or surgical advice, services, or treatment. **Application of chapter**

This chapter does not authorize any person, other than a licensee of a healing art acting within the scope of his license, to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or optometry or chiropody or pharmacy.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, chiropody, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect Division 2 of the Business and Professions Code or any section thereof or any act defining, or governing, or regulating the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, chiropody or drugless healing.

(Amended by Stats. 1941, Ch. 487; repealed and added by Stats. 1953, Ch. 1098.)

1206. (Repealed by Stats. 1953, Ch. 1098.)

1207. (Repealed by Stats. 1953, Ch. 1098.)

1208. (Repealed by Stats. 1953, Ch. 1098.)

1209. (Repealed by Stats. 1953, Ch. 1098.)

Article 2. Licenses

(Article 2 repealed and added by Stats. 1953, Ch. 1098)

Application

1210. Any person desiring a license under the provisions of this chapter shall file with the State Department of Public Health a verified application on a form prescribed and furnished by the department, containing:

(a) The name and address of the clinic.

(b) The name and address of the applicant who is responsible for control, management, and direction of the clinic.

(c) The name and address of the professional licentiate responsible for the professional activities of the clinic.

(d) The class of clinic to be operated.

(e) Complete information on the character and scope of advice and treatment to be provided.

(f) Complete description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished and used in the operation of the clinic.

(g) Source and anticipated amount of funds and income for the operation of the clinic covering the year for which the application is made.

(h) Anticipated volume of service to be rendered, the anticipated unit cost, and the anticipated unit charge to be made to patients, covering the year for which the application is made.

(i) Justification for the operation of the clinic.

(j) Such additional information as may be required by the department for the proper administration and enforcement of this chapter.

(Repealed and added by Stats. 1953, Ch. 1098.)

Renewal

1211. Application for renewal of a license shall be made annually by every person holding a license to operate a clinic.

(Repealed and added by Stats. 1953, Ch. 1098.)

Investigation

1212. Upon the filing of an application for a license or for renewal of license, the department shall investigate the facts set forth in the application.

If the department finds that the statements contained in the application are true, that the establishment or the continued operation of the clinic is in conformity with the intent and purpose of this chapter, that there is need for the clinic in the community in which it is or is proposed to be operated, that the establishment or its continued operation is for the benefit of the public health, and upon full compliance by the applicant with the provisions of this chapter and the rules and regulations promulgated under this chapter, the department shall issue to the applicant the license applied for.

(Amended by Stats. 1941, Ch. 487; repealed and added by Stats. 1953, Ch. 1098.)

Inspection

1213. Every clinic for which a license has been issued shall be periodically inspected by a duly authorized representative

of the department. The department may delegate such of its authority under this chapter as it deems advisable to local health departments, the staffs and inspectorial services of which have the written approval of the Department of Public Health. Reports of each inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

(Repealed and added by Stats. 1953, Ch. 1098.)

1214. Information and records concerning any licensee or applicant received by the department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension or denial of an application for a license. Disclosure of information

(Amended by Stats. 1941, Ch. 487; repealed and added by Stats. 1953, Ch. 1098.)

1215. The department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided: Suspension, revocation of license

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Committing or aiding, abetting or permitting the commission of an illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Amended by Stats. 1943, Ch. 407; repealed and added by Stats. 1953, Ch. 1098.)

1216. Proceedings for the revocations of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the departments shall have all powers granted therein. Proceedings

(Added by Stats. 1953, Ch. 1098.)

1217. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the department as an original application for a license. Application after revocation

(Added by Stats. 1953, Ch. 1098.)

1218. (Repealed by Stats. 1953, Ch. 1098.)

1219. (Repealed by Stats. 1953, Ch. 1098.)

1220. (Repealed by Stats. 1953, Ch. 1098.)

Article 3. Regulations

(Article 3 repealed and added by Stats. 1953, Ch. 1098)

1221. The department shall annually compile a list of clinics as licensed under the provisions of this chapter. List of clinics

(Repealed and added by Stats. 1953, Ch. 1098.)

1222. The department shall make and promulgate and may thereafter modify, amend, or rescind, reasonable rules and reg- Rules and regulations

ulations to carry out the purposes of this chapter, classifying clinics, prescribing minimum standards of adequacy, safety and sanitation of the physical plant, equipment and appliances, prescribing minimum standards for assurance of attendance and services of duly qualified licensed practitioners of the healing arts, securing information to establish the necessity of the clinic in the community and services to be provided, and establishing a basis for making administrative charges to be collected from patients.

(Amended by Stats. 1945, Ch. 891; repealed and added by Stats. 1953, Ch. 1098.)

Posting
license

1223. The license shall be conspicuously posted in the clinic.

(Repealed and added by Stats. 1953, Ch. 1098.)

Report
of clinic

1224. Every clinic holding a license shall on or before the fifteenth day of February of each year, file with the department upon forms to be furnished by the department, a verified report showing the following:

(a) Number of patients during the preceding year.

(b) Total number of administrative or other charges or fees collected from patients.

(c) Total amount from other sources necessary to make up the total operating cost of clinic for the previous year.

(d) Total operating cost for clinic for the previous year.

(e) Additional information as may be required by the department.

(Repealed and added by Stats. 1953, Ch. 1098.)

1225. (Repealed by Stats. 1953, Ch. 1098.)

1226. (Repealed by Stats. 1953, Ch. 1098.)

1227. (Amended by Stats. 1945, Ch. 891; repealed by Stats. 1953, Ch. 1098.)

1228. (Repealed by Stats. 1945, Ch. 891.)

Article 4. Revenue

(Article 4 repealed and added by Stats. 1953, Ch. 1098)

Fee

1229. Each application for a license under this chapter shall be accompanied by an annual fee in the sum of twenty dollars (\$20).

(Added by Stats. 1953, Ch. 1098.)

1230. (Repealed by Stats. 1953, Ch. 1098.)

1231. (Repealed by Stats. 1953, Ch. 1098.)

1232. (Repealed by Stats. 1953, Ch. 1098.)

1233. (Repealed by Stats. 1953, Ch. 1098.)

Article 5. Offenses

(Article 5 repealed and added by Stats. 1953, Ch. 1098)

Penalties

1234. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail

for a period not to exceed 180 days or by both such fine and imprisonment.

(Repealed and added by Stats. 1953, Ch. 1098.)

1235. The department may bring an action to enjoin the violation or threatened violation of Section 1200 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of Code of Civil Procedure, except the department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Actions

(Repealed and added by Stats. 1953, Ch. 1098.)

1236. Any officer, employee or agent of the State Department of Public Health may enter and inspect any building or premises at any reasonable time to secure compliance with or to prevent a violation of any provision of this chapter.

Building or
premises:
Inspection

(Added by Stats. 1953, Ch. 1098.)

1237. The district attorney of every county shall, upon application by the State Department of Public Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provision of this chapter.

District
attorney

(Added by Stats. 1953, Ch. 1098.)

1240. (Repealed by Stats. 1953, Ch. 1098.)

1241. (Repealed by Stats. 1953, Ch. 1098.)

1242. (Amended by Stats. 1945, Ch. 1211; repealed by Stats. 1953, Ch. 1098.)

1243. (Added by Stats. 1939, Ch. 103; repealed by Stats. 1945, Ch. 1211.)

1251. (Repealed by Stats. 1953, Ch. 1098.)

CHAPTER 2. HOSPITALS

(Chapter 2 repealed and added by Stats. 1945, Ch. 1418)

1400. No person, political subdivision of the State, or other governmental agency within the State, shall establish, conduct or maintain in this State any hospital without first obtaining a license therefor as provided in this chapter.

License
required

(Repealed and added by Stats. 1945, Ch. 1418.)

1401. As used in this chapter, "hospital" means any institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. "Hospital" includes sanatorium, nursing home, and maternity home.

"Hospital"

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1955, Ch. 1464.)

Misuse
of title

1401.5. The use of the name or title "hospital" by any person or persons to identify a facility for the diagnosis, care, and treatment of human illness other than a facility subject to or specifically exempted from the licensure provisions of this chapter is prohibited.

(Added by Stats. 1953, Ch. 726.)

Application

1402. Any person, political subdivision of the State or governmental agency desiring a license under the provisions of this chapter shall file with the State department a verified application on a form prescribed, prepared and furnished by the department, containing:

Contents

(a) The name of the applicant, and if an individual, whether the applicant has attained the age of 21 years.

(b) The type of institution to be operated.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the State department for the proper administration and enforcement of this chapter.

(f) Evidence satisfactory to the State department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the institution for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the person in charge of the institution for which application for license is made.

(g) Evidence satisfactory to the State department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the State department.

(Repealed and added by Stats. 1945, Ch. 1418.)

Fees

1403. Each application for a license under this chapter, except applications by local hospital districts, cities, or counties, shall be accompanied by a fee determined by the number of beds, exclusive of bassinets, maintained for the use of patients, according to the following schedule of fees:

(a) Less than 50 beds—twenty dollars (\$20);

(b) Fifty beds or more and less than 100 beds—thirty dollars (\$30);

(c) One hundred beds or more and less than 200 beds—forty dollars (\$40);

(d) Two hundred beds or more—fifty dollars (\$50).

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486, and by Stats. 1955, Ch. 92.)

Expiration
and renewal
of license

1404. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1403, unless the department finds, after hearing, that the hospital has not complied

with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

(Repealed and added by Stats. 1945, Ch. 1418.)

1405. No person, political subdivision of the State, or other governmental agency within the State, shall continue to operate, conduct or maintain an existing hospital after January 1, 1946, without having applied for and obtained a license as provided in this chapter. Existing hospitals

(Repealed and added by Stats. 1945, Ch. 1418.)

1406. Upon the filing of the application for license provided for and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the State department, the department shall issue to the applicant the license applied for. Issuance of license

(Amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1945, Ch. 1418.)

1407. Every hospital for which a license has been issued shall be periodically inspected by a duly authorized representative of the State department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department. Inspection

(Repealed and added by Stats. 1945, Ch. 1418.)

1408. An advisory board shall be appointed to assist, advise and make recommendations to the director and the state department in the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director. Advisory board

The board shall consist of the director, who shall serve as chairman ex officio, and seven members, four of whom shall be superintendents or administrators of hospitals with at least five years of experience as such in hospitals having a capacity of 100 beds or more, and at least two of whom shall be administrators or operators of nursing homes with at least five years of experience in the operation of such homes, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors, except that the terms of the members first appointed shall expire as follows: Two shall expire on October 15, 1947; two shall expire on October 15, 1948; and one shall expire on October 15, 1949. The initial terms of each of the two members having experience in the operation of nursing homes shall expire as follows: One shall expire on October 15, 1961; and one shall expire on October 15, 1962. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed.

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1959, Ch. 1359.)

Compensation

1409. Members of the advisory board shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties of their office.

(Amended by Stats. 1945, Ch. 892; repealed and added by Stats. 1945, Ch. 1418.)

Meetings

1410. The advisory board shall meet with the director at least twice each year and at such other times during the year as may be determined from time to time by the director.

(Repealed and added by Stats. 1945, Ch. 1418; amended by Stats. 1959, Ch. 1359.)

Rules and regulations

1411. The State department, after consultation with the advisory board and receipt of the recommendations of the advisory board in respect thereto, shall make and promulgate, and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter, classifying hospitals and prescribing minimum standards of safety and sanitation in the physical plant, of diagnostic, therapeutic and laboratory facilities and equipment for each class of hospitals.

(Repealed and added by Stats. 1945, Ch. 1418.)

Suspension or revocation of license

1412. The State department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Added by Stats. 1945, Ch. 1418.)

Procedure

1413. Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

(Added by Stats. 1945, Ch. 1418; repealed by Stats. 1947, Ch. 1486. Sec. 1413.5 amended and renumbered to be 1413.)

1413.5. (Added by Stats. 1945, Ch. 1418; amended and renumbered 1413 by Stats. 1947, Ch. 1486.)

Application for new license

1414. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the State department as an original application for license.

(Added by Stats. 1945, Ch. 1418.)

1415. The provisions of this chapter do not apply to any Exemptions of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States Government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this State or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the State. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Divisions 2 and 3 of the Welfare and Institutions Code, respectively, subject to the jurisdiction of the State Department of Social Welfare.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

(Added by Stats. 1945, Ch. 1418; amended by Stats. 1947, Ch. 1486, by Stats. 1949, Ch. 311, and by Stats. 1953, Ch. 726.)

1416. Information and records concerning any licensee or applicant received by the State department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension or denial of an application for a license.

Records
confidential

(Added by Stats. 1945, Ch. 1418.)

Penalty

1417. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

(Added by Stats. 1945, Ch. 1418; amended by Stats 1947, Ch. 1486.)

Injunction

1418. The director may bring an action to enjoin the violation or threatened violation of Section 1400 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Added by Stats. 1945, Ch. 1418.)

Same:
Nursing and
convalescent
homes

1418.5. The director may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home of the provisions of this chapter, including the operation of such a home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes, in a case where the State Department of Public Health has instituted proceedings against the nursing and convalescent home for revocation or suspension of its license or for operating without a license, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

Service of
notice on
licensee

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed nursing and convalescent home and of the violation, threatened violation, or continued violation by such home of this chapter or any of the regulations promulgated under this chapter. No restraining order or injunction, either temporary or permanent, shall be granted by the court which would cause a licensed nursing and convalescent home to cease operations or which would seriously impede the continued operation of the nursing and convalescent home, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

Hearing

(Added by Stats. 1957, Ch. 2028; amended by Stats. 1959, Ch. 1031.)

1419. Any officer, employee, or agent of the State Department of Public Health may enter and inspect any building or premises at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter. Inspection

(Added by Stats. 1947, Ch. 1486.)

1420. The District Attorney of every county shall, upon application by the State Department of Public Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter. Prosecution

(Added by Stats. 1947, Ch. 1486.)

1421. The State Department of Public Health may delegate to local health departments, the staffs and inspectorial services of which have the written approval of the State Department of Public Health, the authority to verify compliance with this chapter, investigate unlicensed facilities, inspect licensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, and to recommend disciplinary action by the state department against licensees. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department. Delegation of authority

(Added by Stats. 1947, Ch. 1486; amended by Stats. 1959, Ch. 677.)

1422. Notwithstanding the provisions of Section 1415 of this code, with the exception of subdivision (c) thereof, the state department shall prescribe, promulgate and enforce minimum standards of safety and sanitation in the physical plant, and of diagnostic, therapeutic and laboratory facilities for public medical institutions, other than federal medical institutions, University of California hospitals, and clinics, and other than institutions for mental disease, and all of such public medical institutions shall be subject to the provisions of Chapter 2 of Division 2 of the Health and Safety Code. Safety and sanitation standards

This section shall be operative only during such times as the Federal Social Security Act and the rules of the Department of Health, Education and Welfare promulgated thereunder require that such standards shall be established and maintained in order for this State to receive reimbursement from the Federal Government for public assistance payments made to or in behalf of patients in public medical institutions. Limitation

(Formerly 212. Added by Stats. 1951, Ch. 540; amended by Stats. 1953, Ch. 746; amended and renumbered 1422 by Stats. 1957, Ch. 205.)

CHAPTER 3. ESTABLISHMENTS FOR HANDICAPPED PERSONS

(Chapter 3 added by Stats. 1947, Ch. 1462)

NOTE—Stats. 1947, Ch. 1462, which added the foregoing chapter to the Health and Safety Code, also contained this section:

SECTION 1. The purpose of this act is to provide for the better protection of the public health, which is hereby declared to be a matter

of state-wide interest and concern, by providing for state licensing, inspection, and regulation of public and private establishments which render to handicapped persons other than such as are maintained by a school district or are under the jurisdiction of the Department of Education within the State any one or more of the following services: Schooling, medical advice, diagnosis or treatment, physiotherapy, any form of muscle training, massage, speech training, occupational therapy, vocational training and custodial care.

Short title 1500. This chapter may be cited as the Establishments for Handicapped Persons Licensing Law.

(Added by Stats. 1947, Ch. 1462.)

1501. As used in this chapter the following terms have the meanings set forth in this section:

"Special services" (a) "Special services" means schooling, medical advice or treatment, physiotherapy, any form of muscle training, massage, speech training, occupational therapy, vocational training, and custodial care, or any of them.

"Establishment" (b) "Establishment" means any school, institute, institution, center, custodial home, facility, or other place which provides services for handicapped persons, but does not include any sanatorium, establishment, home or institution conducted by or for the adherents of any well recognized religious sect, denomination or organization for the purpose of providing facilities for the care of handicapped persons who depend upon prayer or spiritual means for healing in the practice of the religion of such sect, denomination or organization, nor does it include any private business school or college, the principal purpose of which is the teaching of business, commercial, and vocational courses.

(Added by Stats. 1947, Ch. 1462.)

License required 1502. No person shall establish, conduct, or maintain in this State any establishment which provides for handicapped persons organized services including any special services without first obtaining a license therefor as provided in this chapter.

(Added by Stats. 1947, Ch. 1462.)

Application 1503. Any person, political subdivision of the State, or governmental agency desiring a license under the provisions of this chapter shall file with the state department a verified application on a form prescribed, prepared and furnished by the department, containing:

Contents (a) The name of the applicant; and, if an individual, whether the applicant has attained the age of 21 years.

(b) The type of establishment and the special services to be rendered by it for handicapped persons.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the department for the proper administration and enforcement of this act.

(f) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business

trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the establishment for which application for license is made. If the applicant is a political subdivision of the State or other governmental agency, like evidence shall be submitted as to the person in charge of the establishment for which application for license is made.

(g) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

(Added by Stats. 1947, Ch. 1462.)

1504. Each original application for a license under this chapter shall be accompanied by a fee of twenty-five dollars (\$25). Each application for renewal of a license under this chapter shall be accompanied by a fee determined by the total number of handicapped persons enrolled as of the date of application and receiving special services according to the following schedule of fees:

- (a) Less than 30—twenty dollars (\$20).
- (b) Thirty or more but less than 50—thirty dollars (\$30).
- (c) Fifty or more but less than 75—forty dollars (\$40).
- (d) Seventy-five or more—fifty dollars (\$50).

Establishments whose principal support is derived from taxes shall be exempt from the payment of the fees required by this section.

(Added by Stats. 1947, Ch. 1462.)

1505. Each license issued under this chapter shall expire at midnight on the thirty-first day of December of each calendar year and shall be renewed automatically upon the payment of the fee provided for in Section 1504, unless the state department finds after hearing that the applicant has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

(Added by Stats. 1947, Ch. 1462.)

1506. No person, political subdivision of the State, or other governmental agency within the State shall continue to operate or to conduct or maintain any establishment rendering special services to handicapped persons after January 1, 1948, without having applied for and obtained a license as provided in this chapter.

(Added by Stats. 1947, Ch. 1462.)

1507. Upon the filing of the application for license and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department, the department shall issue to the applicant the license applied for.

(Added by Stats. 1947, Ch. 1462.)

1508. The state department from time to time shall make such investigations and inspections as it deems necessary to carry out the provisions of this chapter. Advance notice of the intent to make such investigation or inspection need not be

Fees

Expiration
and renewal
of licenseExisting
establish-
mentsIssuance
of licenseInvestiga-
tions and
inspections

given by the department to any applicant or licensee. A report of each such investigation or inspection shall be prepared by the representative of the department conducting it upon forms prepared and furnished by the department, and shall be filed with the department upon completion of the investigation or inspection.

(Added by Stats. 1947, Ch. 1462.)

Rules and
regulations

1509. The State Board of Health shall make, promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, prescribing minimum standards regarding physical welfare, health, safety, and sanitation, which shall be maintained by any licensee or applicant for license under the provisions of this chapter.

Advice and
recommendations

The state department shall consult with and obtain the advice and recommendations of such other public or private authorities as it deems advisable in order that the minimum standards prescribed pursuant to this section shall give proper recognition to the interdependence of services concerned with mental, physical, and social welfare and education of handicapped persons. The State Board of Health shall give due consideration to such advice and recommendations in prescribing said minimum standards.

(Added by Stats. 1947, Ch. 1462.)

Suspension
or revocation
of license

1510. The state department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

(Added by Stats. 1947, Ch. 1462.)

Proceedings

1511. Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 1947, Ch. 1462.)

Application
for new
license

1512. Any licensee whose license has been revoked may thereafter apply for a new license and his application shall be considered and acted upon by the state department as an original application.

(Added by Stats. 1947, Ch. 1462.)

Exemptions

1513. The provisions of this chapter do not apply to any of the following:

(a) Establishments conducted, maintained, or operated by the United States Government or a duly authorized agency thereof.

(b) Establishments whose activities are restricted solely to the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 6 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(c) Establishments subject to the licensing provisions of Chapter 2 of Division 2 of this code.

(d) Services, including special services, provided by licensed practitioners of the healing arts who are governed by Division 2 of the Business and Professions Code. However, any establishment operated, conducted, or maintained by any such licensed practitioner for the purpose of rendering special services to handicapped persons is subject to the provisions of this chapter.

(e) Establishments established, conducted or maintained by or under the jurisdiction of, the Department of Education, a county superintendent of schools or of any school district.

(Added by Stats. 1947, Ch. 1462.)

1514. Nothing in this chapter authorizes the state department or the State Board of Health to establish rules and regulations concerning the content of the academic curriculum of any applicant or licensee, or concerning the qualification or certification of teachers in the educational curriculum of any applicant or licensee.

Scope of
chapter

(Added by Stats. 1947, Ch. 1462.)

1515. Information and records concerning any licensee or applicant received by the state department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension, or denial of an application for a license.

Records
confidential

(Added by Stats. 1947, Ch. 1462.)

1516. The state department shall at all times maintain an up-to-date list showing the names and addresses of all licensees holding valid licenses under this chapter, and copies of said list shall be given to anyone upon request without charge. The use of said lists for commercial purposes is hereby forbidden.

List of
licensees

(Added by Stats. 1947, Ch. 1462.)

1517. At the request of the director, legal action against any person who violates any provision of this chapter shall be instituted promptly by the district attorney of the county in which such violation occurs. Any person who violates any provision of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and such imprisonment.

Penalty for
violation

The director may bring an action to enjoin violation or threatened violation of this chapter in the superior court in and for the county in which such violation has occurred or is about to occur. Any proceeding under the provisions of this

Action to
enjoin

section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(Added by Stats. 1947, Ch. 1462.)

CHAPTER 4. BIOLOGICS

(Chapter 4 added by Stats. 1939, Ch. 910)

"Distribute" 1600. As used in this chapter, "distribute" includes sale and exchange.

(Added by Stats. 1939, Ch. 910.)

"Biologics" 1601. As used in this chapter, "biologics" includes whole blood and blood derivatives, serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin and similar products made from human and animal tissues or microorganisms and offered for sale or distribution for the prevention or treatment of disease.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1949, Ch. 722.)

Distributors of biologics 1602. No person shall distribute biologics produced other than:

(a) In a laboratory licensed by the United States Department of Health, Education and Welfare, Public Health Service.

(b) In a laboratory licensed by the United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

(c) Under the provisions of this chapter.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1957, Ch. 205.)

Storage and transportation 1603. The state department shall make rules and regulations governing the storage and transportation of all biologics by whomsoever produced and governing the production, standards of potency and truthful advertising of all biologics except those produced under license from any of the following:

(a) United States Department of Health, Education and Welfare, Public Health Service.

(b) United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1957, Ch. 205.)

Cultures of micro-organisms 1603.5. The State Department may make rules and regulations governing the transportation or distribution of cultures of microorganisms which may produce disease in man or animals.

(Added by Stats. 1957, Ch. 462.)

Standards for equipment 1604. The department shall prescribe minimum standards for equipment of laboratories used in the production of biologics under licenses issued under this chapter.

(Added by Stats. 1939, Ch. 910.)

1605. No person shall engage in the business of preparing biologics in this State, except under a license issued by the state department or the United States Department of Health, Education and Welfare, Public Health Service or the United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

(Added by Stats. 1939, Ch. 910; amended by Stats. 1957, Ch. 205.)

1606. The department by rules and regulations shall prescribe minimum standards for the production of various types of biologics.

(Added by Stats. 1939, Ch. 910.)

1607. Applications for licenses shall be made upon forms issued by the State department.

(Added by Stats. 1939, Ch. 910.)

1608. The application shall contain at least the following:

(a) The name and address of the person owning the place, establishment, or institution in which the laboratory is to be operated;

(b) The name and address of the person to operate the laboratory;

(c) The types of biologics to be produced;

(d) A full description of the building, its location, facilities, equipment, and apparatus to be used in the operation of the laboratory;

(e) Such additional information as the department may require by any uniform rule or regulation in order to show compliance with minimum requirements.

(Added by Stats. 1939, Ch. 910.)

1609. The application shall be accompanied by a fee of twenty-five dollars (\$25), which shall be the license fee for the first year or portion thereof, ending December 31st.

(Added by Stats. 1939, Ch. 910.)

1610. Any applicant having a laboratory meeting the prescribed minimum standards shall be thereby entitled to a license.

(Added by Stats. 1939, Ch. 910.)

1611. If the department does not within 60 days after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant.

The notice may be served by registered mail addressed to the applicant at his last known address.

(Added by Stats. 1939, Ch. 910.)

1612. Licenses shall be renewed annually thereafter from January 1st.

Applications for renewal shall be made in writing after each November 1st, but not later than each December 20th.

The application shall be accompanied by a renewal fee of five dollars (\$5).

(Added by Stats. 1939, Ch. 910.)

Contents of license	<p>1613. The license shall contain at least the following:</p> <ul style="list-style-type: none"> (a) The name and address of the laboratory and its owner; (b) The name and address of the person charged with the operation of the laboratory; (c) The types of biologics licensed to be produced; (d) The year covered by the license. <p>(Added by Stats. 1939, Ch. 910.)</p>
Tests	<p>1614. The State department shall fix reasonable charges for analyzing and testing the products of a licensee, and shall make such rules and regulations, not inconsistent with this chapter as may be necessary to carry out the provisions of this chapter.</p>
Rules and regulations	<p>(Added by Stats. 1939, Ch. 910.)</p>
Suspension or revocation of license	<p>1615. Licenses shall be suspended or revoked by the State department for the violation of any provision of this chapter or of any rule or regulation made by the State department under authority conferred by this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.</p>
	<p>(Added by Stats. 1939, Ch. 910; amended by Stats. 1945, Ch. 892.)</p>
	<p>1616. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892.)</p>
	<p>1617. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892.)</p>
Penalty	<p>1618. The violation of any provision of this chapter or of any rule or regulation issued under this chapter is a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment for not more than 30 days, or by both.</p>
	<p>(Added by Stats. 1939, Ch. 910.)</p>
Enforcement	<p>1619. The State department shall enforce this chapter.</p>
	<p>(Added by Stats. 1939, Ch. 910.)</p>
	<p>1620. (Added by Stats. 1939, Ch. 910; repealed by Stats. 1945, Ch. 892.)</p>
Prosecutions	<p>1621. District and city attorneys shall prosecute violations of this chapter upon evidence of violations within their respective jurisdictions submitted by the State department.</p>
	<p>(Added by Stats. 1939, Ch. 910.)</p>
Law applicable to biologics	<p>1622. Nothing in this chapter shall be considered to be in conflict with Division 21, Chapter 2, of this code and all provisions of Division 21, Chapter 2, shall apply to biologics within the meaning of this chapter, except that the provisions of such chapter of such division shall not apply to products of:</p>
Exceptions	<ul style="list-style-type: none"> (a) A laboratory licensed by the United States Department of Health, Education and Welfare, Public Health Service. (b) A laboratory licensed by the United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.
	<p>(Added by Stats. 1945, Ch. 1060; amended by Stats. 1957, Ch. 205.)</p>

1623. The procurement, processing, distribution, or use of whole blood, plasma, blood products, and blood derivatives for the purpose of injecting or transfusing the same, or any of them, into the human body shall be construed to be, and is declared to be, for all purposes whatsoever, the rendition of a service by each and every person, firm, or corporation participating therein, and shall not be construed to be, and is declared not to be, a sale of such whole blood, plasma, blood products, or blood derivatives, for any purpose or purposes whatsoever. (Added by Stats. 1955, Ch. 1078.)

Processing,
etc., of
blood,
plasma, etc

CHAPTER 5. REGULATION OF USE OF ANIMALS IN DIAGNOSTIC PROCEDURES AND MEDICAL RESEARCH

(Chapter 5 added by Stats. 1951, Ch. 1750)

Article 1. General Provisions

(Article 1 added by Stats. 1951, Ch. 1750)

1650. The public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals and drugs.

Polley

(Added by Stats. 1951, Ch. 1750.)

1651. The State Department of Public Health shall administer the provisions of this chapter.

Adminis-
tration

Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.

Construction

As used in this chapter, "person" includes: laboratory, firm, association, corporation, copartnership, and educational institution.

"Person"

As used in this chapter, "board" means the State Board of Public Health.

"Board"

As used in this chapter, "department" means the Department of Public Health.

"Depart-
ment"

(Added by Stats. 1951, Ch. 1750.)

Article 2. Administration and Regulation

(Article 2 added by Stats. 1951, Ch. 1750)

1660. The department shall make and promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, including the control of the humane use of animals for the diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and for the testing and diagnosis, improvement and standardization of laboratory

Rules and
regulations

specimens, biologic products, pharmaceuticals and drugs. Such rules and regulations shall include requirements for satisfactory shelter, food, sanitation, record keeping, and for the humane treatment of animals by persons authorized by the board to raise, keep or to use animals under the provision of this chapter. The department shall not make or promulgate any rule compelling the delivery of animals for the purpose of research, demonstration, diagnosis, or experimentation.

(Added by Stats. 1951, Ch. 1750.)

Administrative Procedure Act

1661. The provisions of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 4, shall be applicable to all the rules and regulations promulgated by the department under the provisions of this chapter.

(Added by Stats. 1951, Ch. 1750.)

Inspection

1662. The department is hereby authorized to inspect any premises or property on or in which animals are kept for experimental or diagnostic purposes, for the purpose of investigation of compliance with the rules and regulations adopted hereunder. Such inspection or other method of control shall be enforced only by employees of the department and such power and authority may not be delegated to any other persons or agency.

(Added by Stats. 1951, Ch. 1750.)

Article 3. Application of the Chapter

(Article 3 added by Stats. 1951, Ch. 1750)

Approval

1666. No person shall keep or use animals for diagnostic purposes, education or research unless approved by the board.

(Added by Stats. 1951, Ch. 1750.)

Same: Conditions

1667. The board shall prescribe the rules under which approval shall be granted including the standards regarding the care and treatment of such animals employed. Any person desiring approval to use animals for the purposes covered by this chapter shall make application to the department for such approval on forms provided by the department. The board shall grant approval on forms provided by the department to any person who has made application in accordance with the provisions of this article and who is found to be in compliance with the provisions of this chapter and the rules and regulations of the board. Any person keeping or using animals under the provisions of this chapter shall display in a prominent place the certificate of approval granted for such purpose. Such approval shall remain in effect for one fiscal year if not revoked by the board. If the board does not within ninety (90) days after the filing of this application grant approval it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant, the notice may be served by registered mail addressed to the applicant at his last known address.

(Added by Stats. 1951, Ch. 1750.)

1668. The board may, upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person keeping or using animals for research or diagnostic purposes within this State, and it may temporarily suspend or permanently revoke a certificate of approval at any time where the holder of such a certificate, within the immediately preceding three years, while a holder of a certificate of approval, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of the breach of any of the provisions of this chapter or of any reasonable rule or regulation adopted by the board for the purpose of carrying out the provisions of this chapter. The board may promulgate and adopt reasonable rules and regulations concerning the procedure for the drafting, filing and disposition of verified complaints of individuals. Procedure for revocation or suspension of approval shall be in accordance with the provision of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 5, and the department shall have all the powers granted therein.

Investigations

Rules and regulations

Procedure

(Added by Stats. 1951, Ch. 1750.)

1669. This chapter does not apply to any veterinary licensed to practice veterinary medicine in this State or to any place of business operated by such veterinary, nor to animal training, animal cosmetics and routine animal husbandry practices, nor to laboratories subject to control or regulation by the National Institutes of Health or the Federal Bureau of Animal Industry.

Exceptions

(Added by Stats. 1951, Ch. 1750.)

1670. Nothing contained in this chapter shall be construed to limit or restrict the right of counties, cities, cities and counties, towns or townships, to adopt or enforce ordinances or other regulations regulating the use or procurement of animals for diagnostic procedures or medical research, and any such ordinances or regulations now in effect are not affected by this chapter. It is the intent of this chapter to provide state regulation of the use of animals in diagnostic procedures and medical research concurrently with and supplementary to local regulations, but not to preclude the exercise by counties, cities, cities and counties, towns or townships, of such regulatory power as they may possess in this field under the Constitution and statutes of this State.

Construction of provisions

(Added by Stats. 1951, Ch. 1750.)

Article 4. Offenses Against the Chapter

(Article 4 added by Stats. 1951, Ch. 1750)

1672. It is unlawful for any person to use animals for the purposes provided for in this chapter without the approval of the board.

Violations

(Added by Stats. 1951, Ch. 1750.)

1673. Any person who violates this chapter is guilty of a misdemeanor.

Penalty

(Added by Stats. 1951, Ch. 1750.)

Article 5. Revenue

(Article 5 added by Stats. 1951, Ch. 1750)

Annual fee 1676. An annual fee, to be employed for the enforcement of this act, shall accompany each application for approval. The annual fee payable to the Department of Public Health shall be in the following amount:

(a) With respect to any person who in the previous calendar year used 500 or less animals for any of the purposes specified in this chapter, the fee shall be five dollars (\$5).

(b) With respect to any person who in the previous calendar year used more than 500 but less than 2,500 animals for any of the purposes specified in this chapter, the fee shall be twenty-five dollars (\$25).

(c) With respect to any person who in the previous calendar year used 2,500 or more animals for any of the purposes specified in this chapter, the fee shall be two hundred dollars (\$200).

(Added by Stats. 1951, Ch. 1750; amended by Stats. 1953, Ch. 724.)

Payment 1677. Annual fees payable under this chapter shall become due and payable by each person approved by the board on or before March 1st in each year. Such fees shall be paid by the department into the General Fund in the State Treasury. It is the intention of the Legislature that the costs of administering this act shall be substantially covered by the revenues collected hereunder.

(Added by Stats. 1951, Ch. 1750.)

CHAPTER 6. AUDIOMETRISTS

(Chapter 6 added by Stats. 1957, Ch. 205)

Employment 1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the said state board.

Duties The school audiometrist shall give audiometric tests with instruments meeting the standards established by the American Standards Association. Subject to Section 16483 of the Education Code, such tests may be administered to school and pre-school children in school buildings and other places as are or may be used by schools for otologic examinations, and in official public health otological diagnostic clinics.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Certificates 1686. The State Board of Public Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists. The said state board shall prescribe such qualifications as may be necessary for the testing of the hearing of school children.

Candidates for registration who present evidence of satisfactory experience of at least two years in the testing of hearing of school children in public or parochial schools or other tax maintained institutions of this State, or who present evidence of having satisfactorily completed a course in audiometry in a recognized university, college or institute in this State, may be issued certificates of registration without further examination.

The said state board shall require a registration fee not to exceed three dollars (\$3). Registration fee

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 7. CANCER

(Chapter 7 added by Stats. 1959, Ch. 789)

1700. The effective diagnosis, care, treatment or cure of persons suffering from cancer is of paramount public importance. Vital statistics indicate that approximately 16 percent of the total deaths in the United States annually result from one or another of the forms of cancer. It is established that accurate and early diagnosis of many forms of cancer, followed by prompt application of methods of treatment which are scientifically proven, either materially reduces the likelihood of death from cancer or may materially prolong the useful life of individuals suffering therefrom. Legislative declaration

Despite intensive campaigns of public education, there is a lack of adequate and accurate information among the public with respect to presently proven methods for the diagnosis, treatment, and cure of cancer. Various persons in this State have represented and continue to represent themselves as possessing medicines, methods, techniques, skills, or devices for the effective diagnosis, treatment, or cure of cancer, which representations are misleading to the public, with the result that large numbers of the public, relying on such representations, needlessly die of cancer, and substantial amounts of the savings of individuals and families relying on such representations are needlessly wasted.

It is, therefore, in the public interest that the public be afforded full and accurate knowledge as to the facilities and methods for the diagnosis, treatment, and cure of cancer available in this State and that to that end there be provided means for testing and investigating the value or lack thereof of alleged cancer remedies, devices, drugs, or compounds, and informing the public of the facts found, and protecting the public from misrepresentation in such matters.

The importance of continuing scientific research to determine the cause or cure of cancer is recognized, and the department shall administer this chapter with due regard for the importance of bona fide scientific research and the clinical testing in hospitals, clinics, or similar institutions of new drugs or compounds.

(Added by Stats. 1959, Ch. 789.)

Cancer
Advisory
Council

1701. There is in the State Department of Public Health a Cancer Advisory Council composed of nine physicians and surgeons licensed to practice medicine in, and residing in, this State, three persons who are not physicians and surgeons, two persons representing nonprofit cancer research institutes recognized by the National Cancer Institute, and the director of the department, who shall be an ex officio member. The members of the council shall be appointed by the Governor to serve for terms of four years. The Governor shall make the first appointments hereunder for terms expiring, respectively, on the fifteenth day of January, as follows: three in the year 1960, three in the year 1961, four in the year 1962, and four in the year 1963. The Governor, in appointing the first members, shall appoint at least one member from the faculty of each of the schools teaching medicine and surgery and located in this State that are approved by the State Board of Medical Examiners and the State Board of Osteopathic Examiners, or either of them. The Governor shall endeavor to maintain one member from the faculty of each school in making subsequent appointments.

(Added by Stats. 1959, Ch. 789.)

Compensation

1702. The members of the council, other than the director of the department, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

(Added by Stats. 1959, Ch. 789.)

Chairman
meetings

1703. The council shall annually elect one of its members to serve as chairman. The council shall meet at least twice each year, and as often in addition as necessary, for the purpose of carrying out its duties.

(Added by Stats. 1959, Ch. 789.)

Department
powers and
duties

1704. The department shall:

(a) Prescribe reasonable rules and regulations with respect to the administration of this chapter.

(b) Investigate violations of the provisions of this chapter, and report such violations to the appropriate enforcement authority.

(c) Secure the investigation and testing of the content, method of preparation, efficacy, or use of drugs, medicines, compounds, or devices proposed to be used, or used, by any individual, person, firm, association, or other entity in the State for the diagnosis, treatment, or cure of cancer, prescribe reasonable regulations with respect to such investigation and testing, and make findings of fact and recommendations upon completion of any such investigation and testing.

(d) Hold hearings in respect of those matters involving compliance with the provisions of this chapter and subpoena witnesses and documents. Any or all such hearings may be held before the Cancer Advisory Council. Any administrative action to be taken by the department as a result of such hearings shall be taken only after receipt of the recommendations

of the council. Prior to issuance of a cease and desist order under Section 1711, a hearing shall be held. The person furnishing a sample under Section 1707 shall be given due notice of such hearing and an opportunity to be heard.

(e) Contract with independent scientific consultants for specialized services and advice.

In the exercise of the powers granted by this section, the department shall consult with the Cancer Advisory Council. (Added by Stats. 1959, Ch. 789.)

1705. For the purposes of this chapter "cancer" means all "Cancer" malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

(Added by Stats. 1959, Ch. 789.)

1706. No person may undertake to treat or alleviate cancer by use of drugs, surgery, or radiation unless such person holds a license issued under a law of this State expressly authorizing the diagnosis and treatment of disease by use of drugs, surgery, or radiation. License to treat

(Added by Stats. 1959, Ch. 789.)

1707. On written request by the department, delivered personally or by mail, any individual, person, firm, association, or other entity engaged, or representing himself, or itself, as engaged, in the diagnosis, treatment, alleviation, or cure of cancer shall furnish the department with such sample as the department may deem necessary for adequate testing of any drug, medicine, compound, or device used or prescribed by such individual, person, firm, association, or other entity in the diagnosis, treatment, alleviation, or cure of cancer, and shall specify the formula of any drug or compound and name all ingredients by their common or usual names, and shall, upon like request by the department, furnish such further necessary information as it may request as to the composition and method of preparation of and the use to which any such drug, compound, or device is being put by such individual, person, firm, association, or other entity. This section shall apply to any individual, person, firm, association, or other entity that renders health care or services to individuals who have or believe they have cancer. This section also applies to any individual, person, firm, association, or other entity that by implication causes individuals to believe they have cancer. Furnishing sample of drug, etc.

The failure to either provide the sample, disclose the formula, or name the ingredients as required by this section shall be conclusively presumed that the drug, medicine, compound or device which is the subject of the department's request has no value in the diagnosis, treatment, alleviation, or cure of cancer.

(Added by Stats. 1959, Ch. 789.)

1708. This chapter shall not apply to the use of any drug, medicine, compound, or device intended solely for legitimate and bona fide investigational purposes by experts qualified by scientific training and experience to investigate the safety and Investigational purposes

therapeutic value thereof unless the department shall find that such drug, medicine, compound, or device is being used in diagnosis or treatment for compensation and profit.

(Added by Stats. 1959, Ch. 789.)

Penalty

1709. The failure of any individual, person, firm, association, or other entity representing himself, or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to comply with any of the provisions of this chapter, or with any order of the department validly issued under this chapter, is a misdemeanor.

Exception

The provisions of this chapter shall not apply to any person who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, nor practitioner thereof.

(Added by Stats. 1959, Ch. 789.)

Representations based on testing

1710. The investigation or testing of any product shall not be deemed to imply or indicate any endorsement of the qualifications or value of any such product. No person shall make any representation that investigation or testing hereunder constitutes any approval or endorsement of his, or its, activities by the Cancer Advisory Council or the department. The investigation or testing of any product shall not be deemed to imply or indicate that such product is useless or harmful and during testing no person shall make any representation, except to the department or Cancer Advisory Council, that the product under test is discredited or that it has been found useless or harmful.

(Added by Stats. 1959, Ch. 789.)

Cease and desist order

1711. Following an investigation or testing of the content or composition of any drug, medicine, compound, or device used by any individual, person, firm, association, or other entity in the diagnosis, treatment, alleviation, or cure of cancer, and after hearing as provided in Section 1704, the department, upon recommendation of the Cancer Advisory Council, may direct that any such individual, person, firm, association, or other entity shall cease and desist any further prescribing, recommending, or use of any such drug, medicine, compound, or device, or any substantially similar drug, medicine, compound, or device, in the diagnosis or treatment of cancer.

Investigation or testing of drugs, etc.

In the investigation or testing required by this chapter to determine the value or lack thereof of any drug, medicine, compound or device in the diagnosis, treatment, or cure of cancer, the department shall, as it deems necessary or advisable, utilize the facilities and findings of its own laboratories or other appropriate laboratories, clinics, hospitals, and nonprofit cancer research institutes recognized by the National Cancer Institute, within this State or the facilities and findings of the Federal Government, including the National Cancer Institute. Upon a recommendation by the Cancer Advisory Council, the department shall arrange, by contract, for investi-

gation by and submission to it of findings, conclusions, or opinions of trained scientists in the appropriate departments of universities, medical schools, clinics, hospitals, and non-profit cancer research institutes recognized by the National Cancer Institute, and the submission to it of findings, conclusions, or opinions of other qualified scientists. Prior to the issuance of a cease and desist order under this section, the Cancer Advisory Council, by the affirmative vote of at least 11 of its members, at least one of whom shall not be a physician and surgeon, shall make a written finding of fact based on such investigation that the drug, medicine, compound, or device so investigated has been found to be either definitely harmful or of no value in the diagnosis, treatment, alleviation, or cure of cancer and the department must be satisfied beyond a reasonable doubt that the written findings of the fact are true.

(Added by Stats. 1959, Ch. 789.)

1712. If an individual, person, firm, association, or other entity, after service upon him or it, of a cease and desist order issued by the department under Section 1711, persists in prescribing, recommending, or using the drug, medicine, compound, or device described in said cease and desist order, or a substantially similar drug, medicine, compound, or device, the superior court in any county, on application of the department, and when satisfied by a preponderance of the evidence that the written findings of fact required of the Cancer Advisory Council by Section 1711 are true, may issue an order to show cause why there should not be issued an injunction or other appropriate order restraining such individual, person, firm, association, or other entity from prescribing, recommending, or using such drug, medicine, compound, or device, or any substantially similar drug, medicine, compound, or device. After a hearing on such order to show cause, an injunction or other appropriate restraining order may be issued.

Restraining
order or
injunction

Proceedings under this section shall be governed by Chapter 3 (commencing at Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, excepting that no undertaking shall be required in any action commenced by the department under this section.

(Added by Stats. 1959, Ch. 789.)

1713. Any person against whom an injunction has been issued, under Section 1712, may not undertake to use in the diagnosis, treatment, or cure of cancer any new, experimental, untested, or secret drug, medicine, compound, or device without first submitting it to the department for investigation and testing.

Restrictions
under
injunction

(Added by Stats. 1959, Ch. 789.)

1714. It is a misdemeanor for any person willfully and falsely to represent a device, substance or treatment as effective to arrest or cure cancer. Nothing in this section shall abridge the existent rights of the press.

Penalty

(Added by Stats. 1959, Ch. 789.)

- Same: Third violation 1715. A third violation, and subsequent violations, of this chapter is a felony.
(Added by Stats. 1959, Ch. 789.)
- Investigation of violations 1716. The director shall investigate possible violations of this chapter and report violations to the appropriate enforcement authority.
(Added by Stats. 1959, Ch. 789.)
- Enforcement officials 1717. County health officers, district attorneys and the Attorney General shall co-operate with the director in the enforcement of this chapter.
(Added by Stats. 1959, Ch. 789.)
- Publication of reports 1718. The department, upon recommendation of the Cancer Advisory Council, may from time to time publish reports based on its investigation or testing of any drug, medicine, compound, or device prescribed, recommended, or used by any individual, person, firm, association, or other entity, and when, in the opinion of a majority of the members of the Cancer Advisory Council, the use of any drug, medicine, compound, or device in the diagnosis, treatment or cure of cancer constitutes an imminent danger to health or a gross deception of the public, the department may take appropriate steps to publicize the same.
(Added by Stats. 1959, Ch. 789.)
- Report of activities 1719. The department shall submit to the Governor, for submission to the Legislature in January of each year, a report of its activities under this chapter during the preceding 12 months.
(Added by Stats. 1959, Ch. 789.)
- Hearings 1720. All hearings authorized by this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code.
(Added by Stats. 1959, Ch. 789.)
- Expiration date 1721. The provisions of this chapter shall expire on December 31, 1965.
(Added by Stats. 1959, Ch. 789.)

DIVISION 3. PEST ABATEMENT

(Heading amended by Stats. 1957, Ch. 205)

CHAPTER 1. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

1700. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

1701. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

1702. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

1703. (Repealed by Stats. 1957, Ch. 205. See note following Section 112. Section of same number added to Division 2, Chapter 7, above.)

CHAPTER 2. RODENTS

1800. "Place," as used in this chapter, includes land, place, "Place" building, structure, wharf, pier, dock, vessel, or water craft.

1801. "Rodents," as used in this chapter, means rats, mice, "Rodent" gophers, and ground squirrels.

1802. "Possess," as used in this chapter, includes control, "Possess" own, lease, occupy, possess, or have charge of or dominion over.

1803. Every person possessing any place that is infested with rodents, as soon as their presence comes to his knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and other appropriate means. Duty to exterminate

1804. The State department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this chapter, may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this chapter as to their extermination and destruction are being complied with. However, no building occupied as a dwelling, hotel, or rooming house, shall be entered for inspection purposes except between the hours of 9 a.m., and 5 o'clock p.m. Inspection of places

1805. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, poison, traps, and other materials for the purpose of exterminating and destroying rodents in that county or city, and may employ and pay inspectors, who shall prosecute the work of extermination and destruction on both private and public property in the county or city. County expense

1806. Whenever any person possessing any place that is infested with rodents, fails, neglects or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents, as required in this chapter, the State department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed. Extermination by State or local health officer

1807. The expense of exterminating and destroying the rodents is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it. Expense

Notice of
expense

1808. The governing body shall record in the office of the county recorder a notice of payment, claiming a lien on the property for the amount of the payment.

(Amended by Stats. 1959, Ch. 504.)

Lien

1809. All sums so paid by the county or city are a lien on the property on which the work was done, and may be recovered in an action against the property.

Action to
foreclose

1810. The action to foreclose the lien shall be brought within 90 days after the payment, and shall be prosecuted by the district or city attorney in the name of the county, or city, as the case may be, and for its benefit.

Proceeds

1811. When the property is sold, enough of the proceeds shall be paid into the treasury of the county or city to satisfy the lien and the costs, and the surplus, if any, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of the owner when ascertained.

Receiver

1812. If it appears from the complaint in the action that the property on which the lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold it while the action is pending or until the defendant executes and files a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and of all costs.

Penalty

1813. A violation of the provisions of this chapter is a misdemeanor.

CHAPTER 3. RABIES

Article 1. Rabies Control

"Rabies"

1900. "Rabies," as used in this article, includes rabies, and any other animal disease dangerous to human beings that may be declared by the State department as coming under the provisions of this article.

"Quarantine"

1901. "Quarantine," as used in this article, means the strict confinement, upon the private premises of the owner, under restraint by leash, closed cage, or paddock, of all animals specified in the order of the State department.

"Rabies
area"

1901.2. "Rabies area" shall mean any area not less than a county as determined by the director within a region where the existence of rabies constitutes a public health hazard, as found and declared by the director, after consultation with, and the approval of, the regional advisory committee. A region shall be composed of two or more counties as determined by the director. For each such region there shall be an advisory committee. The regional advisory committee shall consist of nine persons which shall include a health officer, a representative of the medical profession, a veterinarian, the mayor of the city having the largest population in the area, the chairman of the board of supervisors of the county having the largest population in the area, and such representatives of the

livestock industry, civic, dog owning, and humane groups as may be appointed by the director to serve without compensation, but shall be reimbursed for actual and necessary expenses incurred during service on the committee. The status of an area as a rabies area shall terminate at the end of one year from the date of the declaration unless, not earlier than two months prior to the end of such year, it is again declared to be a rabies area in the manner provided in this section. If however, the director at any time finds and declares that an area has ceased to be a rabies area its status as such shall terminate upon the date of such declaration.

(Added by Stats. 1957, Ch. 1781.)

1902. Whenever any case of rabies is reported as existing in any county or city, the State department shall make, or cause to be made, a preliminary investigation as to whether the disease exists, and as to the probable area of the State in which the population or animals are endangered. Preliminary investigation

1903. If upon the investigation the State department finds that rabies exists, a quarantine shall be declared against all such animals as are designated in the quarantine order, and living within the area specified in the order. Quarantine

1904. Following the order of quarantine the State department shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved. Thorough investigation

1905. The State department may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area. Regulations

1906. All peace officers and boards of health shall carry out the provisions of this article. Enforcement

1907. During the period for which any quarantine order is in force any officer may kill or in his discretion capture and hold for further action by the State department any animal in a quarantine area, found on public highways, lands, and streets, or not held in restraint on private premises as specified in this article. Destruction of animals

1908. Any proper official within the meaning of this article may examine and enter upon all private premises for the enforcement of this article. Inspection

1909. Every person who possesses or holds any animal in violation of the provisions of this article is guilty of a misdemeanor. Penalty

1910. For the purpose of providing funds to pay expenses incurred in connection with the eradication of rabies, the rabies treatment and eradication fund is continued in existence in each county or city in this State. Fund

1911. All money collected for dog license taxes shall be deposited to the credit of this fund with the treasurer of the county or city; but funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances. Dog license tax

**Special
dog tax**

1912. Upon the determination by the State department that rabies exists in any county or city, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this article.

Rate of tax

1913. This tax shall be levied as follows: An annual tax of one dollar and fifty cents (\$1.50) for each male, two dollars and fifty cents (\$2.50) for each female, and one dollar and fifty cents (\$1.50) for each neuter dog. It shall be collected by the proper authority at the same time and in the same manner as other taxes are collected; except that at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment shall be collected.

**Termination
of tax**

1914. After this dog license tax has been established in a county or city, it shall be continued in force until an order has been issued by the State department declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

**Disposition
of fines**

1915. One half of all fines collected by any court or judge for violations of the provisions of this article shall be placed to the credit of the rabies treatment and eradication fund of the county or city in which the violation occurred.

**Special
control
measures**

1916. Whenever it becomes necessary in the judgment of the State department, to enforce the provisions of this article in any county or city, the department may institute special measures of control to supplement the efforts of the local authorities in any county or city whose duties are specified in this article.

**Expenditure
of fund**

1917. All expenditures incurred in enforcing the special measures shall be proper charges against the special fund referred to in this article, and shall be paid as they accrue by the proper authorities of each county or city in which they have been incurred; but all expenditures that may be incurred after the issuance of the order establishing the tax and before the first collection of the tax, shall be paid as they accrue from the general fund of the county or city.

**Additional
expenditures**

1918. All expenditures in excess of the balance of money in this fund shall likewise be paid as they accrue from the general fund. All money thus expended from the general fund shall be repaid from the special fund when the collections from the tax have provided the money.

Guide dogs

1919. Notwithstanding any other provision of this article a guide dog serving a blind master shall not be quarantined, in the absence of evidence that he has been exposed to rabies, unless his master fails:

(a) To keep him safely confined to the premises of the master.

(b) To keep him available for examination at all reasonable times.

(Added by Stats. 1951, Ch. 1363.)

1920. In rabies areas:

Dog licenses

(a) Every dog owner, after his dog attains the age of four months, shall annually secure a license for said dog. License fees shall be fixed by the responsible city, city and county, or county, at an amount not to exceed limitations otherwise prescribed by state law or city, city or county, or county charter.

Vaccination

(b) Every dog owner, after his dog attains the age of four months, shall at such intervals of time not more often than once a year as may be prescribed by the department procure its vaccination by a licensed veterinarian with a canine anti-rabies vaccine approved by and in a manner prescribed by the state department.

Confinement or restraint

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper or harborer. Nothing in this chapter shall be construed to prevent the sale or transportation of a puppy four months old or younger.

Impoundment

(d) Any dog in violation of the provisions of this article, and such additional provisions as may be prescribed by any local governing body, shall be impounded as provided by local ordinance.

Pound system and rabies control program

(e) It shall be the duty of the governing body of each city, city and county, or county to maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing the provisions of this section.

Local vaccination clinics

(f) It shall be the responsibility of each city, county, or city and county to provide dog vaccination clinics, or to arrange for dog vaccination at clinics operated by veterinary groups or associations, held at strategic locations throughout each city, city and county, or county. The vaccination and licensing procedures may be combined as a single operation in such clinics. No charge in excess of actual cost shall be made for any one vaccination at such clinic. No owner of a dog shall be required to have his dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice.

All public clinics shall be required to operate under antiseptic immunization conditions comparable to those used in the vaccination of human beings.

(Added by Stats. 1957, Ch. 1781.)

Construction

1921. Nothing in this chapter is intended or shall be construed to limit the power of any city, city and county, or county in its authority in the exercise of its police power or in the exercise of its power under any other provisions of law to enact more stringent requirements, to regulate and control dogs within the boundaries of its jurisdiction.

(Added by Stats. 1957, Ch. 1781.)

Article 2. Anti-rabic Virus

Authoriza-
tion to
distribute

2000. The State department shall purchase or prepare, and distribute free of cost, under such regulations as may be necessary, anti-rabic virus to be used in the treatment of persons exposed to rabies when they declare that it would be a hardship for them to pay for anti-rabic treatment.

CHAPTER 4. PET BIRDS

(Chapter 4 repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074)

Banding

2100. No person, association, organization, partnership, or corporation shall raise and sell, offer for sale, trade, or barter any shell parakeet or budgerigar unless such bird is banded with traceable, seamless, closed bands of standard size, color, and material as specified by the department after consulting with the advisory committee.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074; amended by Stats. 1959, Ch. 2002.)

Permits

2101. No band manufacturer, bird club, association, corporation, society, or person shall issue any bands prescribed under Section 2100 without a permit from the department. A permit shall be granted by the department upon compliance with such reasonable and necessary regulations as prescribed by the board.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

Bond

2102. No manufacturer of bands prescribed under Section 2100 shall sell or market such bands in the State without giving such bond as required by the regulations of the board and without obtaining a permit from the department.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

Records

2103. Every band issuing agency shall maintain such records and make such reports as required by reasonable and necessary regulations of the board. The board may by regulation prescribe the keeping of such sales records as it deems necessary to effectuate the purposes of this chapter.

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

Regulations

2104. Whenever the director finds that psittacosis, or any other diseases transmissible to man from pet birds, have become a public health hazard to the extent that control measures are necessary or desirable, the board shall adopt such additional regulations as it deems necessary for the public health, which regulations shall apply to all pet birds whether or not of a species otherwise regulated under this chapter. Such regulations shall be adopted pursuant to Section 2105 and in

accordance with Chapter 4 of Part 1, Division 3, Title 2 of the Government Code.

(Added by Stats. 1939, Ch. 104; amended by Stats. 1945, Ch. 1211; repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2105. The director, with the advice of the board, shall appoint an advisory committee consisting of nine members representing the pet bird industry from recognized pet bird organizations, which committee shall advise and consult with the department in carrying out the administration of this chapter. Advisory committee

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074.)

2106. All manufacturers selling or marketing bands prescribed in Section 2100 shall pay a fee to the department on each such band sold. The board shall provide by regulation the amount of the fee to be paid, the total amount of such fees to yield a sum approximating the estimated cost of the administration of this chapter. All fees due and payable under this chapter shall be paid quarterly, the first quarter to begin on or before the fifteenth day of January of each year. Such fees shall be paid by the department into the General Fund in the State Treasury. Fees

(Repealed by Stats. 1947, Ch. 598; added by Stats. 1955, Ch. 1074; amended by Stats. 1959, Ch. 2002.)

2107. The violation of any of the provisions of this chapter shall constitute a misdemeanor. Violations

(Added by Stats. 1955, Ch. 1074.)

2108. The provisions of this chapter shall apply to all shell parakeets or budgerigars. Applicability of provisions

(Added by Stats. 1955, Ch. 1074; repealed and added by Stats. 1959, Ch. 2002.)

CHAPTER 5. MOSQUITO ABATEMENT DISTRICTS

Article 1. General Provisions

2200. "District," as used in this chapter, refers to any mosquito abatement district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

2201. "Board," or "district board," as used in this chapter, refers to the board of trustees of a district. "Board"

2202. "City," as used in this chapter, includes a city and county. "City"

2203. For the purposes of this chapter all unincorporated territory in a proposed district and in one county only shall be regarded as an entirety and as a "unit," and each city in a proposed district shall likewise be regarded as a unit. "Unit"

2204. Every notice required by this chapter to be published shall be published in a daily, weekly, or semiweekly newspaper; but, if there is no daily, weekly, or semiweekly Publication of notices

newspaper published within the district or within a subdivision of the district or other territory in which it is required to be published, the notice shall be posted for the length of time required for its publication in three public places of the district, subdivision, or other territory, as the case may be.

Application
of chapter

2205. A mosquito abatement district may be organized and managed as provided in this chapter, and is authorized to exercise the powers expressly granted or necessarily implied by this chapter.

(Amended by Stats. 1949, Ch. 825.)

Law
inapplicable

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Law of 1933 (commencing at Section 58500 of the Government Code). This section shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature and thereafter shall be of no force or effect.

Duration

(Added by Stats. 1946 (1st Ex. Sess.), Ch. 28; amended by Stats. 1947, Ch. 1020, by Stats. 1949, Ch. 825, by Stats. 1951, Ch. 524, by Stats. 1953, Ch. 432, by Stats. 1955, Ch. 878, by Stats. 1957, Ch. 1163, and by Stats. 1959, Ch. 478.)

Article 2. Formation

Territory

2210. Any territory in one or more counties, having a population of not less than 100 inhabitants, may be organized as a mosquito abatement district.

Petition

2211. A petition to form a district may consist of any number of separate instruments. It shall be presented at a regular meeting of the board of supervisors of the county in which the greater portion of the proposed district is located. It shall be signed by registered voters in each unit of the proposed district, equal in number to at least 10 per cent of the number of votes cast in each unit respectively for the office of Governor at the last gubernatorial election prior to the time the petition is presented.

Consent
of city

Before a city can be included in the proposed district, its governing body shall request the inclusion of the city by resolution, duly authenticated.

Publication

2212. The petition shall set forth and describe the boundaries of the proposed district, and shall request that it be organized as a mosquito abatement district. The text of the petition shall be published, for at least two weeks before the time it is to be presented, in the county where the petition is presented, and in each city a portion of which is included in the proposed district.

The text of the petition published shall have attached a notice stating the time of the meeting of the board of supervisors at which it will be presented.

2213. If any portion of the proposed district lies in another county, the petition and notice shall be likewise published in that county. Where published

2214. When contained upon more than one instrument, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. Contents of publication

2215. With the publication of the petition there shall be published a notice of the time of the meeting of the board of supervisors when the petition will be considered, stating that all persons interested may appear and be heard. Notice of hearing

2215.5. Such districts may also be organized upon the adoption by the board of supervisors of a resolution of intention so to do, in lieu of the procedure hereinbefore provided for the presentation of petitions. In the event the board of supervisors adopts a resolution of intention, such resolution shall describe the boundaries of the proposed district and shall set a time and place at which the board will consider the organization of the district, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition. Alternative method of organizing

(Added by Stats. 1945, Ch. 409.)

2216. At the time stated in the notice of the filing of the petition or the time mentioned in the resolution of intention the board of supervisors shall consider the organization of the district and hear those appearing and all protests and objections to it. It may adjourn the hearing from time to time, not exceeding two months in all. Hearing

(Amended by Stats. 1945, Ch. 409.)

2217. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings, if the petition has a sufficient number of qualified signatures. Defects

2218. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries. Changes in boundary

2219. If the board of supervisors deems it proper to include any territory not proposed for inclusion within the proposed boundaries, it shall first cause notice of its intention to do so to be mailed to each owner of land in the territory whose name appears as owner on the last completed assessment roll of the county in which the territory lies, addressed to the owner at his address given on the assessment roll, or if no address is given, to his last known address; or if it is not known, at the county seat of the county in which his land lies. The notice shall describe the territory, and shall fix a time, not less than two weeks from the date of Additional notice on change of boundary

mailing, when all persons interested may appear before the board of supervisors and be heard.

Consent
of city

2220. The boundaries of a district lying in a city shall not be altered unless the governing board of the city, by resolution, consents to the alteration.

Finding

2221. Upon the hearing of the petition the board of supervisors shall determine whether or not the public necessity or welfare of the proposed territory and of its inhabitants requires the formation of the district, and shall also determine whether or not the petition complies with the provisions of this chapter, and for that purpose shall hear all competent and relevant testimony offered.

Finality of
finding

2222. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State in a suit commenced by the Attorney General.

Order of
formation

2223. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "mosquito abatement district."

Filing of
order

2224. The county clerk shall immediately file for record in the office of the county recorder of each county in which any portion of the land embraced in the district is situated, and shall also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

Change of
name

2225. If at any time after the board of supervisors has entered its order for organization good cause appears therefor, the district board may, by a two-thirds vote of its members, adopt a resolution reciting the facts, declaring the advisability for a change of the district's name, and setting forth therein a new name for the district. A certified copy of such resolution shall be transmitted to the board of supervisors of the county in which the district, or the greater portion of the land of the district, is situated.

(Added by Stats. 1947, Ch. 891.)

Procedure

2226. Upon receipt of the certified copy of the resolution the board of supervisors shall:

(a) Enter an order changing the district's name to the name set forth in the resolution.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the district is situated.

(c) Record a certified copy of the order in the office of the county recorder of each of the counties in which any portion of the district is situated.

(d) File a certified copy of the order in the office of the Secretary of State.

(e) File a certified copy of the order in the office of the State Board of Equalization.

From and after the date of the filing of the certified copy with the Secretary of State the new name shall be the official name of the district.

(Added by Stats. 1947, Ch. 891.)

Article 3. Officers

2240. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows: Board of trustees

(a) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the board of supervisors of the county.

(b) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from the district at large by the board of supervisors of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the board of supervisors shall appoint from the district at large enough additional members to make a board of five members.

(c) If the district is situated in two or more counties and is comprised wholly of unincorporated territory, one member shall be appointed from each county or portion of a county situated in the district by the board of supervisors; but if the district board created consists of less than five members, the board of supervisors of the county in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(d) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the board of supervisors of each of the counties from that portion of the district lying within its jurisdiction; and one member from each city, a portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(e) At any time after the appointment of the initial district board of trustees the board of supervisors of any county having

territory in whole or in part in a district, may at the written request of the existing district board of trustees, increase or decrease the number of members of the board of trustees representing unincorporated territory in the district; such written request of the district board of trustees shall specify the number of members and the region or regions in the unincorporated territory for which an increase or decrease is requested; provided, however, the district board of trustees shall, under no circumstances, consist of less than five members, nor shall the number of members representing unincorporated territory in the entire district exceed five members.

(Amended by Stats. 1947, Ch. 977.)

Name of board 2241. The district board shall be called "The board of trustees of ----- Mosquito Abatement District."

Qualifications of member: From city 2242. Each member of the board appointed by the governing body of a city shall be an elector of the city from which he is appointed, and a resident of that portion of the city which is in the district.

From county 2243. Each member appointed from a county or portion of a county shall be an elector of the county and a resident of that portion of the county which is in the district.

At large 2244. Each member appointed at large shall be an elector of the district.

Terms of office 2245. The members of the first board in any district shall classify themselves by lot at their first meeting so that:

(a) If the total membership is an even number, the terms of one-half the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

(b) If the total membership is an odd number, the terms of a bare majority of the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

The term of each subsequent member is two years from and after the expiration of the term of his predecessor.

Vacancy 2246. In event of the resignation, death, or disability of any member, his successor shall be appointed by the governing body which appointed him.

First meeting 2247. The members of the first district board shall meet on the first Monday subsequent to 30 days after the filing with the Secretary of State of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary.

Compensation 2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding

twenty-five dollars (\$25) per month per member for expenses incurred in attending business meetings of the board.

(Amended by Stats. 1941, Ch. 314, by Stats. 1951, Ch. 1271, and by Stats. 1959, Ch. 480.)

2249. The secretary shall receive such compensation as Secretary shall be fixed by the district board.

2250. The district board shall provide for the time and Meetings place of holding its regular meetings, and the manner of calling them, and shall establish rules for its proceedings.

2251. Special meetings may be called by three members, Special meetings notice of which shall be given to each member at least three hours before the meeting.

2252. All of its sessions, whether regular or special, shall Open to public be open to the public.

2253. A majority of the members shall constitute a quorum Quorum for the transaction of business.

Article 4. District Powers

2270. The district board may:

Powers

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands

have been complied with; or to treat with oil or other larvical material any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Borrow money in any fiscal year and repay it in the same or in the next ensuing fiscal year. The amount borrowed in any fiscal year is not to exceed fifteen cents (\$0.15) in each one hundred dollars (\$100) of assessed valuation of property in the district.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 percent per year, payable annually or semiannually as the board may prescribe.

(j) Provide a civil service system for any or all employees of the district.

(k) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

(Amended by Stats. 1941, Ch. 314, by Stats. 1945, Ch. 409, by Stats. 1947, Ch. 40, and by Stats. 1957, Ch. 792.)

Mosquito
breeding
place
declared a
nuisance

2271. Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition, is a public nuisance.

Abatement
of nuisance

2272. The nuisance may be abated in any action or proceeding, or by any remedy, provided by law.

Additional
remedies

2273. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law.

Notice to
abate

2274. Whenever a nuisance specified in this chapter exists upon any property either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district, the district board may in writing notify the record owner, or person in charge or in possession of the property, of the existence of the nuisance.

(Amended by Stats. 1941, Ch. 314.)

Contents of
notice

2275. The notice shall direct that the owner shall, within a specified time, abate the nuisance by destroying the larvae or pupae that are present.

Time limit

2276. The notice shall further direct that the owner shall, within a specified time, perform any work that may be necessary to prevent the recurrence of breeding in the places specified in the notice.

2277. The notice shall be served upon the owner of record, or person having charge or possession, of the property upon which the nuisance exists, or upon the agent of either. Service of notice

2278. The notice may be served by any person authorized by the district board in the same manner as a summons in a civil action. Manner of service

2279. If the property belongs to a person who is not a resident of the district, and is not in charge or possession of any person, and there is no tenant or agent of the owner upon whom service can be made, who can after diligent search be found; or if the owner of the property can not after diligent search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of 10 days, and by mailing a copy to the owner addressed to his address as given on the last completed assessment roll of the county in which the property is situated, or, in the absence of an address on the roll, to his last known address. Service by posting or mailing

2280. Before complying with the requirements of the notice the owner may appear at a hearing before the board at a time and place fixed by the board and stated in the notice. Hearing

2281. At the hearing the district board shall redetermine whether or not the owner shall abate the nuisance and prevent its recurrence, and shall specify a time within which the work shall be completed. Finding

2282. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding. Abatement by district

2283. The cost of abatement shall be repaid to the district by the owner. Cost

2284. All sums expended by the district in abating a nuisance or preventing its recurrence, when notice of the lien is filed and recorded as provided in Section 2285, shall become a lien upon the property on which the nuisance is abated, or its recurrence prevented. Lien

(Amended by Stats. 1959, Ch. 1502.)

2285. Notice of the lien shall be recorded by the district board in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditure by the board or within 90 days after the completion of the work, whichever first occurs. Notice of lien

(Amended by Stats. 1959, Ch. 79 and Ch. 504.)

2286. An action to foreclose the lien shall be commenced within six months after the filing and recording of the notice of lien. Action to foreclose

2287. The action shall be brought by the district board in the name of the district. Brought by district

2288. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the district; and the surplus, if any, shall be paid to the Sale

owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained.

Abatement
on public
property

2289. The lien provisions of this chapter do not apply to the property of any county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to any mosquito abatement district the amount expended by the district upon any of its property under this chapter upon presentation by the district board of a verified claim or bill.

Tax to de-
stroy rats

2290. Any mosquito abatement district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the destruction and extermination of rats in the district: and may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

Destruction
of rats

2291. The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

Penalty

2292. Any person who obstructs, hinders, or interferes with the entry upon any land mentioned in this article of any officer or employee of the district in the performance of his duty, and any person who obstructs, interferes with, molests, or damages any work performed by the district, is guilty of a misdemeanor.

(Added by Stats. 1941, Ch. 314.)

Article 5. Finances and Taxation

Estimate
of money
needed

2300. The district board of each mosquito abatement district shall, at least 15 days before the first day of the month in which the board or boards of supervisors of the county or counties in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The amount of money necessary for the district's purposes may include a general reserve for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such general reserve shall not exceed 60 percent of the estimated expenditures for a fiscal year.

The amount of money necessary for the district purposes may also include an unappropriated reserve for the purpose of defraying unusual and unanticipated expenses.

Expenditures from such unappropriated reserve may be made only upon an affirmative vote of four-fifths of the mem-

bers of the district board. Such emergency fund is not to exceed 25 percent of the estimated expenditures for a fiscal year.

(Amended by Stats. 1947, Ch. 1020, and by Stats. 1957, Ch 2266.)

2301. If the district is in more than one county the total estimate shall be prorated for each county by the district board in proportion to the value of the taxable property of the district in each county. The value of the taxable property shall be determined from the last equalized assessment rolls of the counties. When the proration of the estimate has been made, the district board shall furnish the supervisors and auditors of each county a written statement of the apportionment for that county.

Proration of
estimate

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- mosquito abatement district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

(Amended by Stats. 1st Ex. Sess. 1946, Ch. 43.)

2302.1. If the rate thus produced is fifteen cents (\$0.15) or less on each one hundred dollars (\$100) of taxable property of the district in the county the county board of supervisors shall levy the tax at the rate thus produced. If the rate thus produced exceeds fifteen cents (\$0.15), the board of supervisors may require of the district such information as will enable it to determine the necessity of the expenditures contemplated by the estimate, and, in its discretion, and after a finding of necessity therefor, levy the tax at the rate thus produced or at such lower rate as it finds will produce the amount required to meet the expenditures found by it to be necessary; but if it finds that such necessity does not exist, it shall levy the tax at the rate of fifteen cents (\$0.15) or less on each one hundred dollars (\$100) of taxable property in the district.

If the district is in more than one county, the board of supervisors of any county in which the district lies shall not levy a tax at a rate in excess of fifteen cents (\$0.15), unless the boards of supervisors of the other counties in which the district lies levy the tax at the same rate. If the boards of supervisors can not agree on a rate to be levied in excess of fifteen cents (\$0.15), the rate of tax shall not exceed fifteen cents (\$0.15). The maximum rate of the tax shall not be greater than forty cents (\$0.40) on each one hundred dollars (\$100) of taxable property of the district in the county.

(Added by Stats. 1st Ex. Sess. 1946, Ch. 43.)

2303. Whenever it appears to the district board that the amount of funds required during an ensuing fiscal year will

Election for
additional
tax

exceed the amount that can be raised by a levy by the board of supervisors of the maximum rate for the annual district tax, the district board may call an election to submit to the electors of the district the question of whether a tax shall be voted for raising the additional funds.

Notice

2304. Notice of the election shall be published for at least four weeks prior to the election.

Conduct of election

2305. No particular form of ballot shall be required, nor shall any informalities in conducting the election invalidate it if it is otherwise fairly conducted.

Ballot

2306. At the election the ballots shall contain the words "Shall the district vote a tax to raise the additional sum of -----?", or words equivalent thereto.

Canvass

2307. The district board shall canvass the votes cast at the election, and if a majority are in favor of the imposition of the tax, shall report the result to the board of supervisors of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount shall be prorated for each county by the district board in the same way that the district's original total estimate of funds is prorated; and the district board shall furnish the supervisors and auditor of each county a written statement of the apportionment for that county.

Proration of tax

Levy of additional tax

2308. The board of supervisors of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county.

Collection

2309. All taxes levied under this chapter shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

Funds

2310. If the district is in more than one county the treasury of the county in which the district is organized is the depository of all funds of the district.

Accounting

2311. The treasurers of the other counties shall, at any time, not oftener than twice each year, upon the order of the district board settle with the district board and pay over to the treasurer of the county where the district is organized all money in their possession belonging to the district. The last named treasurer shall receipt for the money and place it to the credit of the district.

Withdrawal of funds

2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary or acting secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services

or supplies, the district board may, by resolution, adopt such system and make withdrawals in accordance therewith.

The board may by resolution authorize the withdrawal of funds from the county treasury depository upon a warrant signed by the principal administrative officer of the district and by a member of the board.

(Amended by Stats. 1941, Ch. 314, and by Stats. 1959, Ch. 479.)

2313. (Added by Stats. 1947, Ch. 1020; repealed by Stats. 1957, Ch. 2267.)

2314. (Added by Stats. 1947, Ch. 1020; repealed by Stats. 1957, Ch. 2268.)

Article 5.5. Claims

(Article 5.5 added by Stats. 1959, Ch. 1727.)

2320. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Article 6. Annexation

2330. Any territory lying contiguous to a mosquito abatement district may be annexed to the district. Noncontiguous territory may be annexed to a district if the board of supervisors of each county in which a portion of the territory proposed to be annexed is situated determines, by resolution, that such portion of the territory is within a reasonable operational distance of the district.

(Amended by Stats. 1959, Ch. 901.)

2331. If the territory is in a city, consent to the annexation shall first be obtained from the governing body of the city. An authenticated copy of the resolution or order of that body consenting to the annexation, shall be attached to the annexation petition.

2332. The district board, upon receiving a written petition for annexation containing a description of the territory sought to be annexed, signed by registered voters in the territory equal in number to at least 10 per cent of the number of votes cast in the territory for the office of Governor at the last gubernatorial election prior to the time the petition is presented, shall set the petition for hearing. It shall give notice of the hearing by publishing a copy of the petition, together with notice of the time and place set for the hearing, in each county in which any part of the district or of the territory is situated, and in each city situated wholly or in part in the territory.

2333. Not more than five of the names attached to the petition need appear in the publication, but the number of signers shall be stated.

Alternative
procedure:
Cities

2333.5. As an alternative to the procedure prescribed in Sections 2332 and 2333 of the article, a city may petition for annexation to a district in the following manner:

(a) The governing body of the city shall by resolution announce its intention to petition for annexation to the district setting a place and a time not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which time any resident of the city may appear and be heard by the governing body thereon.

Notice of
hearing

(b) Notice of the hearing shall be published once in a newspaper of general circulation in the city, at least seven days before the date of the hearing.

(c) Upon the completion of the hearing, or any continuances thereof, the governing body of the city, two-thirds of its members concurring therein, may adopt a resolution petitioning the annexation of the city to the district. A certified copy of the resolution shall be filed with the district board.

(d) Upon receipt of a certified copy of a resolution by the governing body of a city petitioning for annexation of the city to the district, the district board shall set the petition for hearing not less than 30 days nor more than 90 days from the date on which the resolution is filed with the district board. It shall give notice of the hearing by publishing a copy of the resolution together with notice of the time and place set for hearing, not less than two times in a newspaper of general circulation in the district and in the city, the second publication thereof being at least seven days prior to the date set for hearing.

Subsequent
proceedings

(e) Subsequent proceedings shall be conducted in the manner provided in this article.

(Added by Stats. 1949, Ch. 427.)

Same: Unin-
corporated
territory

2333.6. As an alternative to the procedure prescribed in Sections 2332 and 2333, the board of supervisors may petition for the annexation of unincorporated territory to a district in the following manner:

(a) The board of supervisors shall by resolution announce its intention to petition for annexation of unincorporated territory to the district; such resolution shall describe the boundaries of the proposed annexation, setting a place and a time not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which time any resident within the proposed annexation may appear and be heard by the board of supervisors thereon.

(b) Notice of hearing shall be published once in a newspaper of general circulation within the proposed annexation at least seven days before the date of hearing.

(c) Upon completion of the hearing, or any continuances thereof, the board of supervisors, two-thirds of its members concurring therein, may adopt a resolution petitioning the annexation of the territory to the district. A certified copy of the resolution shall be filed with the district board.

(d) Upon receipt of a certified copy of a resolution by the board of supervisors petitioning for annexation of unincor-

porated territory to the district, the district board shall set the petition for hearing not less than 30 days nor more than 90 days from the date on which the resolution is filed with the district board. It shall give notice of the hearing by publishing a copy of the resolution together with notice of the time and place set for hearing, not less than two times in a newspaper of general circulation in the district and in the proposed annexation, the second publication thereof being at least seven days prior to the date set for hearing.

(e) Subsequent proceedings shall be conducted in the manner provided in this article.

(Added by Stats. 1959, Ch. 901.)

2334. At the time set for the hearing the district board shall hear persons appearing in behalf of the petition and all protests and objections to it. The district board may adjourn the hearing from time to time, not exceeding two months in all. Hearing

2335. On the final hearing the district board shall make such changes as it believes advisable in the boundaries of the territory, and shall define and establish the boundaries. It shall also determine whether or not the petition meets the requirements of this chapter. Change in boundaries

2336. The failure of any person interested in the annexation of territory to the district to object to the annexation is an assent on his part to any change in the boundaries in the district that may be requested in the petition or to any change made by the district board. Failure to object

2337. The filing of the petition with the district board is an assent on the part of each of the petitioners to any change in the boundaries of the district that will include the whole or any portion of the territory described in the petition. Consent by filing

2338. If upon the hearing the district board finds that the petition and the proceedings thereon meet the requirements of this chapter and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory, with boundaries as fixed and determined by the district board, or any portion of it, should be annexed to the district, the board shall order the boundaries of the district changed to include the territory, or portion of the territory. Finding

2339. The order of annexation shall describe the boundaries of the annexed territory and that portion of the boundary of the district which coincides with any boundary of the territory. If necessary in making the order, the board may have any portion of the boundaries surveyed. Order of annexation

2340. If more than one petition for the annexation of territory have been presented, the district board may in one order include in the district any number of separate territories. Several petitions

2341. The order of annexation shall be entered in the minutes of the board and certified copies shall be filed with the Secretary of State and with the county clerk and recorded Order filed with Secretary of State

with the county recorder of each county in which the district or any part of it is situated.

(Amended by Stats. 1959, Ch. 504.)

Effective
date

2342. From and after the date of the filing and recording of the certified copies of the order, the territory described in the order is a part of the district, with all the rights, privileges, and powers set forth in this chapter and those necessarily incident thereto.

Effect on
membership
of board

2343. After the annexation of territory to a district the district board shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district formed originally with boundaries embracing the annexed territory. However, the members of the district board in office at the time of the annexation shall continue to serve as members during the remainder of the terms for which they were appointed.

Article 6.5. Withdrawal

(Article 6.5 added by Stats. 1955, Ch. 1562)

Portion
included
within city

2350. Whenever any portion of a district is included within a city which is not situated within the district by reason of annexation, such portion may be withdrawn from the district; provided, that notice of the intended withdrawal of such portion of the district shall be given to the district board at least 15 days prior to the adoption of a resolution declaring such portion withdrawn from the district.

Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district if the State Department of Public Health certifies that the control program which the city proposes to undertake is at least equal to the program of the district.

(Added by Stats. 1955, Ch. 1562; amended by Stats. 1959, Ch. 1455.)

Filing of
resolution,
etc.

2351. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

(Added by Stats. 1955, Ch. 1562.)

Article 7. Consolidation

Consolidation

2360. Two or more contiguous mosquito abatement districts may be consolidated, or any combination of contiguous mosquito abatement districts and pest abatement districts may be consolidated.

(Amended by Stats. 1947, Ch. 1458.)

Resolution
proposing
consolidation

2361. Whenever in the judgment of the district board it is for the best interests of the district that it be consolidated

with one or more other similar districts, it may, by a two-thirds vote of its members, adopt a resolution reciting that fact and declaring the advisability of the consolidation and the willingness of the board to consolidate. It shall then send a copy of the resolution to the board of each of the other districts with which consolidation is proposed.

2362. The district board of each of the other districts with which consolidation is proposed shall consider the proposal and give notice of its decision to the proposing board. If it appears from the original resolution and the notice of the decision of the district board of each of the other districts that two-thirds of the members of each of the boards of the districts proposed to be consolidated are in favor of consolidation, and are willing to consolidate, each of said district boards shall then, by not less than a two-thirds vote of the membership of each board, adopt a concurrent resolution in favor of consolidation, declaring their willingness to consolidate, specifying a name for the consolidated district, and specifying whether the consolidated district shall become a mosquito abatement district and be governed by the provisions of this code relating to mosquito abatement districts or become a pest abatement district and be governed by the provisions of this code relating to pest abatement districts. Immediately upon the adoption of such concurrent resolution a copy signed by not less than two-thirds of the members of each of the boards of the districts proposed to be consolidated shall be forwarded to the board of supervisors of the county in which all of the districts, or the greater portion of the land in all of the districts, are situated.

Consideration
by other
districts

Resolution
for con-
solidation

(Amended by Stats. 1947, Ch. 1458.)

2363. (Repealed by Stats. 1947, Ch. 1458.)

2364. (Repealed by Stats. 1947, Ch. 1458.)

2365. (Repealed by Stats. 1947, Ch. 1458.)

2366. (Repealed by Stats. 1947, Ch. 1458.)

2367. If it appears that not less than two-thirds of the members of each of the boards of the districts proposed to be consolidated have signed the concurrent resolution favoring consolidation of the districts, declaring their willingness to consolidate, specifying a name for the consolidated district, and specifying whether the consolidated district shall become a mosquito abatement district and be governed by the provisions of this code relative to mosquito abatement districts or become a pest abatement district and be governed by the provisions of this code relative to pest abatement districts, the board of supervisors shall immediately:

Order for
consolidation

(a) Enter an order in its minutes consolidating all of the districts proposed to be consolidated into one district of the type specified in the concurrent resolution.

(b) Transmit a certified copy of the order to the board of supervisors of any other county in which any portion of the proposed consolidated district is situated.

(c) Record a copy in the office of the county recorder of each of the counties in which any portion of the proposed consolidated district is situated.

(d) File a copy in the office of the Secretary of State.

(Amended by Stats. 1947, Ch. 1458.)

Effective
date

2368. After the transmission, recording, and filing of the order, the territory in the districts entering into the consolidation proposal forms a single consolidated district.

Board of
consolidated
district

2369. After the consolidation the district board of the consolidated district shall consist of the number and shall be appointed in the manner prescribed by this chapter for a district originally formed with boundaries embracing the territory within the district.

Members

2370. The terms of the members of the district boards of the several districts consolidated who are in office at the time of consolidation shall terminate at the time the consolidation becomes effective. The board of supervisors on the date that

Appointment
of officers

such consolidation becomes effective shall select and appoint officers for the consolidated district in the same manner that such officers are selected and appointed under the provisions of this code relating to a district of the type which is selected for the consolidated district by the concurrent resolution adopted in connection with the consolidation.

(Amended by Stats. 1947, Ch. 1458.)

Name

2371. The original resolution proposing a consolidation shall specify a name for the consolidated district.

Powers

2372. A consolidated district has all the rights, powers, duties, privileges, and obligations of a new district formed under the provisions of this code relating to a district of the type selected for the consolidated district by the concurrent resolution adopted in connection with the consolidation.

(Amended by Stats. 1947, Ch. 1458.)

Indebtedness
paid as in
case of dis-
solution

2373. If at the time of a consolidation there is outstanding any indebtedness of any former districts included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon the dissolution of a district.

Indebtedness
not that of
consolidated
district

2374. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

Property
not liable

2375. No property in any of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of the consolidation.

Article 8. Dissolution

Vote
required

2390. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors in the district at an election called by the district board upon the question. The proposition shall be submitted as follows: "Shall the district be dissolved?", or words equivalent thereto.

2391. Notice of the election shall be published for at least four weeks prior to the election in the district. Notice

2392. If two-thirds of the votes at the election are in favor of the dissolution, the district board shall certify that fact to the Secretary of State. Upon receipt of the certificate, the Secretary of State shall issue his certificate reciting that the district (naming it) has been dissolved, and shall transmit to and file a copy with the county clerk of each county in which any portion of the district is situated. Certificate of dissolution

2393. After the date of the certificate of the Secretary of State, the district is dissolved. Effective date

2394. If the district at the time of dissolution was in unincorporated territory in one county, its property vests in the county. Property in unincorporated territory

2395. If the district at the time of dissolution was situated wholly within the boundaries of a single city, its property vests in the city. Property in city

2396. If the district comprised unincorporated territory alone situated in two or more counties, its property vests in the counties in proportion to the assessed value of the district's property in each county as shown upon the last equalized county assessment roll. Property in unincorporated territory of two or more counties

2397. If the district comprised both incorporated and unincorporated territory, its property vests in each city and each county in the territory in proportion to the assessed value of the district's property in the city or county as shown upon the last equalized county assessment rolls. However, any real property, easements, or rights of way vest in:

(a) The city in which they are situated, if situated in incorporated territory.

(b) The county in which they are situated, if situated in unincorporated territory.

2398. If at the time of the election to dissolve a district there is outstanding any indebtedness of the district, the vote to dissolve the district dissolves it for all purposes except the levy and collection of taxes for the payment of the indebtedness, and for the payment of expenses in assessing, levying, and collecting taxes. Indebtedness

Until the indebtedness is paid, the board of supervisors of the county in which the greater portion of the district was situated shall act ex officio as the district board and shall levy taxes and perform such functions as may be necessary in order to pay the indebtedness.

CHAPTER 5.5. MOSQUITO AND GNAT CONTROL

(Chapter 5.5 added by Stats. 1947, Ch. 704. Title amended by Stats. 1949, Ch. 695)

2425. The State department shall make such studies and demonstrations as may be necessary to determine the areas of Study of mosquito-borne disaster

the State which have a high proportion of mosquito-borne diseases, including malaria and encephalitis.

(Added by Stats. 1947, Ch. 704.)

Cooperative
agreement

2426. The department may enter into a cooperative agreement with any local district or other public agency engaged in the work of controlling mosquitoes or gnats, or mosquitoes and gnats, in such areas and under such terms, conditions, and specifications as the board may prescribe. Such agreement may provide for financial assistance on behalf of the State and for the doing of all or any portion of the necessary work by either of the contracting parties, except that in no event shall the department agree that the State's contribution shall exceed 50 percent of the total cost of any acceptable plan.

(Added by Stats. 1947, Ch. 704; amended by Stats. 1949, Ch. 695.)

CHAPTER 6. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

Article 1. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2500. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 2. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2521. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2522. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2523. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2524. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 3. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2554. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2555. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2556. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2557. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2558. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2559. (Amended by Stats. 1947, Ch. 598; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2559.5. (Added by Stats. 1945, Ch. 221; amended by Stats. 1949, Ch. 305, and by Stats. 1955, Ch. 93; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2559.6. (Added by Stats. 1949, Ch. 305; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2560. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2561. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2562. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2563. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2564. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2565. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2566. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2567. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2568. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2569. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2570. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2571. (Amended by Stats. 1939, Ch. 375, and by Stats. 1947, Ch. 598; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2572. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2573. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2574. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Article 4. (Repealed by Stats. 1957, Ch. 205. See note following Section 112)

2600. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2600.5. (Added by Stats. 1949, Ch. 305; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2600.6. (Added by Stats. 1953, Ch. 331; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2601. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2602. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

2603. (Added by Stats. 1949, Ch. 305; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 8. PEST ABATEMENT DISTRICTS

Article 1. Definitions and General Provisions

"Pest" 2800. "Pest," as used in this chapter, includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, or which is detrimental to the agricultural industry of the State, and is not protected under any other provision of law.

(Amended by Stats. 1945, Ch. 957.)

Supplementary to other laws 2801. This chapter is supplemental to any other provision of law relating to the abatement of pests or nuisances.

"District" 2802. "District," as used in this chapter, means any pest abatement district formed pursuant to this chapter or pursuant to any law which it supersedes.

Penalty 2803. Any person who restrains, hinders, or threatens any officer or employee of a district in the performance of his duties as such officer or employee is guilty of a misdemeanor. (Added by Stats. 1941, Ch. 361.)

Article 2. Formation

Petition 2822. The organization of a pest abatement district may be initiated by a petition, describing the exterior boundaries of the proposed district, and the nature of the pest or pests to be controlled or abated.

Tax basis 2822.5. The petition shall state the basis on which the property in the district shall be taxed for district purposes which shall be either on the basis of area or on the basis of assessed valuation.

(Added by Stats. 1941, Ch. 334.)

Rate of assessment 2823. The petition may fix the maximum rate of assessments that may be levied by the district.

Requirements of petition 2824. The petition shall be signed by registered voters residing in the proposed district equal in number to 10 per cent of the votes cast in the proposed district for Governor at the last preceding gubernatorial election. The petition may consist of any number of separate instruments, which shall be duplicates, except for the signatures and addresses of the signers. Each person who signs the petition shall also state his address.

Signatures 2825. The petition shall be presented to the clerk of the county in which the land in the proposed district is situated. The clerk shall compare the signatures on the petition with the signatures of the registered voters on his records for the purpose of ascertaining whether the petition meets the signature requirements of this article.

Supplementary petition 2826. If the petition lacks sufficient signatures the county clerk shall certify that fact, and at any time within 60 days thereafter additional signatures may be presented to supplement the signatures on the original petition. The additional

signatures shall be compared by the clerk in the same manner as the original signatures. If sufficient additional signatures are not presented, proceedings under the petition shall be terminated, without prejudice to the right to file a new petition.

2827. If the petition contains the requisite number of signatures the clerk shall make a certificate to that effect, and shall present the petition and his certificate to the board of supervisors. Certificate of sufficiency

2828. If the board of supervisors finds that the petition has been properly presented, the board shall, by resolution, fix a time for hearing the petition, which shall be not less than two nor more than five weeks from the time of its presentation. It shall also publish a notice of the time and place of the hearing in a newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of the hearing. Notice of hearing

2829. At the time of the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and consider all competent and relevant testimony or evidence offered in support of or in opposition to the formation of the district. Hearing

2830. The board of supervisors may make such changes in the proposed boundaries of the district as it may consider advisable. It may exclude any land in the proposed district upon the application of the owner, or it may include any land outside and contiguous to the proposed district upon the application of the owner, if it determines that the exclusion or inclusion is proper. Changes in boundaries

2831. If, upon the hearing, the board of supervisors determines that the public interest or welfare of the proposed territory and its inhabitants requires the formation of the district, it shall, by resolution, declare its findings and order that the territory within the boundaries determined by it is a district, under an appropriate name to be selected by it. Order

2832. The clerk of the board of supervisors shall immediately record a certified copy of the order in the office of the county recorder in which the district is situated and also file a certified copy with the Secretary of State. The district is then formed as a pest abatement district, with all of the rights, privileges, and powers set forth in this chapter, and those necessarily incident thereto. Effect

(Amended by Stats. 1959, Ch. 504.)

Article 3. Administration

2850. Within 30 days after incorporation the board of supervisors shall appoint a board of trustees, consisting of not less than five nor more than nine members to act as the governing body of the district. At any time after the appointment of the initial board of trustees the board of supervisors may, at the Board

request of the existing board of trustees of the district, increase or decrease the number of members of the board of trustees, but such board shall under no circumstances consist of less than five nor more than nine members.

(Amended by Stats. 1947, Ch. 890.)

Term 2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of such expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board of a sum not exceeding twenty-five dollars (\$25) as expenses incurred in attending each business meeting of the board.

(Amended by Stats. 1947, Ch. 890, and by Stats. 1959, Ch. 480.)

Purpose of district 2852. The district board may take all necessary or proper steps for the extermination of the pest or pests mentioned in the petition for the organization of the district, subject to the control of city or other public authorities having jurisdiction in the matter.

Powers 2853. The district board may:

(a) Purchase supplies and other personal property.

(b) Employ necessary labor.

(c) Acquire by purchase, condemnation, or otherwise, in the name of the district, any lands, rights of way, easements or other real property necessary for the district.

(d) Sell or lease any lands, rights of way, easements, material, or other property, real or personal, acquired by the district.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this chapter or of powers incident thereto.

(f) Sue and be sued.

(g) Enter upon any property in the district for the purpose of inspection and control work, and for the same purposes may enter upon property adjacent to the district which is or is susceptible of being a breeding place from which infestation may spread into the district.

(h) Do everything necessary to carry out the powers conferred by this chapter and carry out the objects of the formation of the district.

(Amended by Stats. 1941, Ch. 361, and by Stats. 1947, Ch. 890.)

Procedure for sale of real property 2854. Every sale of real property made pursuant to subdivision (d) of Section 2853 of this code shall be made at such place within the district as the district board shall specify, and such real property shall be sold to the highest bidder at public auction, after notice of sale is published once a week for two successive weeks in a newspaper of general circulation published in the district or county. If a newspaper of general circulation

is not printed and published within such district or county, public notice of the sale shall be given for at least two weeks by notices posted in three public places in the district.

(Added by Stats. 1947, Ch. 890.)

2855. The district board may borrow money in any fiscal year, which shall not exceed the anticipated revenue of that fiscal year and which shall be repaid in the same fiscal year. Such money shall be borrowed upon such other terms as the board shall fix; provided, that interest shall not exceed 6 percent, computed annually or semiannually. Power to borrow money

The district board may also issue warrants payable upon a future date in the same fiscal year as issued, which shall be evidentiary of the obligation to repay the money so borrowed and interest thereon, and for that purpose such warrant may bear such interest as is fixed by the terms of the agreement to repay.

(Added by Stats. 1953, Ch. 413.)

Article 4. Taxation

2870. The district board shall annually before the tenth day of July file with the board of supervisors of the county in which the district is situated an estimate of the amount of money necessary for the purposes of the district during the ensuing fiscal year. Estimate of funds needed

2871. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of the district. If the rate has been fixed by the organization petition, the rate fixed by the board shall not exceed that rate. Tax rate

(Amended by Stats. 1939, Ch. 449, and by Stats. 1941, Ch. 334.)

2871.5. If the petition states that the property shall be taxed on the basis of area, the rate shall be uniform and based on area of land, regardless of assessed valuation. The county assessor of each county shall prepare an assessment roll showing the names and addresses and the acreage owned by each person owning land within a district, which roll shall be the basis for the tax provided for herein. Area of land

(Added by Stats. 1941, Ch. 334.)

2871.7. If the petition states that the property shall be taxed on the basis of assessed valuation, the board shall determine the rate of the tax by deducting 15 per cent from the total assessed value of the property in the district appearing upon the assessment roll and then dividing the amount required to be raised by the remainder of the assessed value. Assessed valuation

(Added by Stats. 1941, Ch. 334.)

2872. All taxes levied under this chapter shall be assessed and collected at the same time and in the same manner as other taxes are collected for county purposes, and shall be paid into the county treasury to the credit of the district. Collection of tax

Withdrawal
of funds

2873. The funds of the district shall be withdrawn from the treasury upon the warrant of the district board.

Transfer
of funds

2874. The board of supervisors, from time to time, may order a temporary transfer of money from other available funds in the county treasury to the credit of the district fund. The transfer shall be made only upon resolution adopted by the board of supervisors directing the treasurer to make the transfer. It shall not exceed 85 per cent of the taxes accruing to the district, and shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year. Any funds transferred shall be replaced from the taxes accruing to the district before any other obligation of the district is met from those taxes.

Change of
tax basis

2875. Upon application of registered voters in the district equal to the number required for a petition to initiate proceedings for the organization of the district and after notice published as prescribed for notice of hearing on a petition for organization and a hearing on the matter, the board may change the basis upon which the property in the district shall be taxed from one permitted basis to the other. Thereafter in ensuing tax periods the basis as changed shall be the basis of taxation for the district.

(Added by Stats. 1941, Ch. 334.)

Transfer of
funds not
immediately
needed

2876. Notwithstanding whichever permitted basis is the basis upon which the property in the district shall be taxed, if a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board is hereby authorized to transfer funds of the county not immediately needed for county purposes to the district fund to be used for the payment of the expenses of such district until such time as special assessment tax receipts are available therefor. The board shall include, in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the tax levy.

(Added by Stats. 1949, Ch. 197.)

NOTE: Stats. 1949, Ch. 197, also contained the following provision:

SEC. 2. Nothing in this act shall be deemed to be a declaration of the intention of the Legislature concerning the meaning or application of Section 3720 of the Political Code, as adopted by Chapter 601 of the Statutes of 1935, or any statutory successor thereto, or to be a construction of said section.

Article 4.5. Claims

(Article 4.5 added by Stats. 1959, Ch. 1727)

Claims

2880. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except

as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Article 5. Annexation

2900. At any time after the incorporation of a district, land contiguous to it may be annexed upon a petition of the owner, if the board of supervisors finds that the annexation will benefit both the land to be annexed and the district. Annexation:
By petition
of owner

2901. At any time after the incorporation of a district upon application of such persons as could have initiated proceedings for the formation of a district composed of the land sought to be annexed, land contiguous to the district may be annexed by the board of supervisors upon like procedure, notice, and hearing as provided for formation of a district. Same: By
formation
procedure

If it shall be made to appear to the board of supervisors that public necessity or welfare requires that land contiguous to a district be annexed thereto, the board of supervisors may adopt a resolution stating their intention to annex such territory. Such resolution shall describe the boundaries of the area proposed to be annexed and shall, so far as practicable, contain all matters of fact and finding required upon proceedings for the formation of a district and shall set a time and place at which the board will consider the annexation of such area, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition. Same: By
resolution of
board of
supervisors

(Added by Stats. 1941, Ch. 333; amended by Stats. 1945, Ch. 957.)

Article 5a. Consolidation

(Article 5a added by Stats. 1947, Ch. 1458)

2910. Two or more contiguous pest abatement districts may be consolidated, or any combination of contiguous pest abatement districts and mosquito abatement districts may be consolidated. Consolidation

(Added by Stats. 1947, Ch. 1458.)

2911. Pest abatement districts formed under the provisions of this chapter may be consolidated with other contiguous pest abatement districts, or with contiguous mosquito abatement districts organized under the provisions of Chapter 5 of Division 3 of this code, in the same manner and by the same procedure as is provided for the consolidation of mosquito abatement districts with other mosquito abatement districts or pest abatement districts in Article 7 of Chapter 5 of Division 3 of this code. All provisions in Article 7 of Chapter 5 of Division 3 of this code shall apply to pest abatement districts formed under this chapter. Same

(Added by Stats. 1947, Ch. 1458.)

Article 6. Dissolution

Petition 2920. Upon the application of registered voters in the district equal to the number required for a petition to initiate proceedings for the formation of the district, the board of supervisors may, after notice of hearing published in the manner prescribed in this chapter for the notice of a hearing on the organization petition, dissolve the district, if it appears to the board that the dissolution is proper. The dissolution of a district shall not have any effect on any taxes previously levied.

Ex officio board 2921. Upon the dissolution the board of supervisors shall succeed to all the powers and jurisdiction of the district board for the purpose of winding up the affairs of the district. It may continue to levy such taxes as are necessary in winding up the affairs of the district.

Obligations 2922. No district shall be finally dissolved until all outstanding obligations of the district, including the repayment of funds transferred to the credit of the district from other funds of the county, have been fully paid and discharged.

DIVISION 4. COMMUNICABLE DISEASE PREVENTION AND CONTROL

(Former Division 4, consisting of Sections 3099 to 3342, repealed by Stats. 1957, Ch. 205. Present Division 4 added by Stats. 1957, Ch. 205. See note following Section 112)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

(Former Chapter 1, consisting of Section 3099, repealed by Stats. 1957, Ch. 205. Present Chapter 1 added by Stats. 1957, Ch. 205. See note following Section 112)

"Health officer" 3000. "Health officer," as used in this division, includes county, city, and district health officers, and city and district health boards, but does not include advisory health boards. (Added by Stats. 1957, Ch. 205. See note following Section 112.)

"Venereal diseases" 3001. As used in this division, "venereal diseases" means syphilis, gonorrhea, chancroid, lymphopathia venereum, and granuloma inguinale.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 2. FUNCTIONS OF STATE DEPARTMENT

(Former Chapter 2, consisting of Sections 3300 to 3309, repealed by Stats. 1957, Ch. 205. Present Chapter 2 added by Stats. 1957, Ch. 205. See note following Section 112)

Quarantine, etc. 3050. The state department may establish and maintain places of quarantine or isolation.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3051. The state department may quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment such action is necessary to protect or preserve the public health.

Same

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3052. The state department may destroy such objects as bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is in its judgment, an imminent menace to the public health.

Destruction of contaminated property or animals

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3053. Upon being informed by a health officer of any contagious, infectious, or communicable disease the state department may take such measures as are necessary to ascertain the nature of the disease and prevent its spread. To that end, the state department may, if it considers it proper, take possession or control of the body of any living person, or the corpse of any deceased person.

Investigation, etc.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3099. (Repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3100. (Amended by Stats. 1939, Ch. 1070; repealed by Stats. 1947, Ch. 1000.)

3101. (Repealed by Stats. 1947, Ch. 1000.)

CHAPTER 3. FUNCTIONS OF HEALTH OFFICERS

(Former Chapter 3, consisting of Sections 3325 and 3326, repealed by Stats. 1947, Ch. 1000. Former Chapter 3, consisting of Sections 3340 to 3342, repealed by Stats. 1957, Ch. 205. Present Chapter 3 added by Stats. 1957, Ch. 205. See note following Section 112)

3110. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the Board of Public Health, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

Preventive measures

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3111. Each health officer shall enforce all orders, rules, and regulations concerning quarantine or isolation prescribed or directed by the state department.

Enforcement of quarantine orders, etc.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Places of
quarantine or
isolation

3112. Each health officer, whenever required by the state department, shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Consent of
state depart-
ment

3113. No quarantine shall be established by a county or city against another county or city without the written consent of the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Duties of
health
officers

3114. Whenever in the judgment of the state department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the state department, do the following:

(a) Quarantine or isolate and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the state department.

(b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the state department, an imminent menace to the public health.

When the property is destroyed pursuant to this section, the governing body of the locality in which the destruction occurs may make adequate provision for compensation in proper cases for those injured thereby.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Same

3115. Upon receiving information of the existence of contagious, infectious, or communicable disease for which the state department may from time to time declare the need for strict isolation or quarantine, each health officer shall:

(a) Insure the adequate isolation of each case, and appropriate quarantine of the contacts and premises

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department, in carrying out the quarantine or isolation.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Rules and
regulations

3116. When quarantine or strict isolation is established by a health officer, all persons shall obey his rules, orders, and regulations.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Restriction
of quaran-
tined persons

3117. A person subject to quarantine or strict isolation, residing or in a quarantined building, house, structure, or other shelter, shall not go beyond the lot upon which the building, house, structure, or other shelter is situated, nor put himself in immediate communication with any person not subject to

quarantine, other than the physician, the health officer or persons authorized by the health officer.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3118. No instructor, teacher, pupil, or child who resides where any contagious, infectious, or communicable disease exists or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal, or teacher of any college, seminary, or public or private school to attend the college, seminary, or school, except by the written permission of the health officer.

Attendance
at schools,
etc.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3119. No quarantine shall be raised until every exposed room, together with all personal property in the room, has been adequately treated, or, if necessary, destroyed, under the direction of the health officer; and until all persons having been under strict isolation are considered noninfectious.

Raising of
quarantine

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3120. When there occurs in the household of any dairy worker, milkman, milk dealer, milk distributor, creamery worker, or pasteurizing plant operator, a case or a suspected case of diphtheria, salmonellosis, shigellosis (dysentery), typhoid fever, streptococcal infection, or any other disease known to be or suspected of being transmitted by milk, the sale or distribution of milk from those premises shall be prohibited unless written authorization for its sale or distribution is given by the health officer.

Diseases
transmitted
by milk, etc.

A case or suspected case of any disease known to be transmitted by milk which occurs in the household of any of the above-mentioned persons, shall be reported immediately to the health officer.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3121. In the case of a local epidemic of disease, the health officer shall report at such times as are requested by the state department all facts concerning the disease, and the measures taken to abate and prevent its spread.

Local
epidemics

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3122. Each health officer shall immediately report by telegraph or telephone to the state department every discovered or known case or suspect case of those diseases designated for immediate reporting by the state department. Within 24 hours after investigation each health officer shall make such reports as the state department may require.

Reports by
health
officers

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

List of reportable diseases

3123. The state department may establish a list of reportable diseases and this list may be changed at any time by the state department. Those diseases listed as reportable shall be properly reported as required to the state department by the health officer.

Rules and regulations

The state department may from time to time adopt and enforce rules and regulations requiring isolation (strict or modified) or quarantine for any of the contagious, infectious, or communicable diseases if in the opinion of the state department such action is necessary for the protection of the public health.

Quarantine authorization

The health officer may require isolation (strict or modified) or quarantine for any case of contagious, infectious, or communicable disease when such action is necessary for the protection of the public health.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Reports: Health officers

3124. Each health officer, other than a county health officer, in the county shall transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported, and their location.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Physician, etc.

3125. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living, or visiting any sick person, in any hotel, lodginghouse, house, building, office, structure, or other place where any person is ill of any infectious, contagious, or communicable disease, shall promptly report that fact to the health officer, together with the name of the person, if known, the place where he is confined, and the nature of the disease, if known.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 4. VENEREAL DISEASE

(Chapter 4 added by Stats. 1957, Ch. 205. See note following Section 112)

Article 1. Prevention and Control

(Article 1 added by Stats. 1957, Ch. 205. See note following Section 112)

Program

3180. The state department shall develop and review plans and provide leadership and consultation for, and participate in, a program for the prevention and control of venereal disease.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3181. The state department shall cooperate in the prevention, control, and cure of venereal diseases with physicians and surgeons; medical schools; public and private hospitals, dispensaries, and clinics; public and private school, college and university authorities; penal and charitable institutions; reform and industrial schools; detention homes; federal, state, local and district health officers, and boards of health, and all other health authorities; institutions caring for the mentally ill; and with any other persons, institutions, or agencies.

State department cooperation with physicians, etc.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3182. The state department shall investigate conditions affecting the prevention and control of venereal diseases and approved procedures for such prevention and control, and shall disseminate educational information relative thereto.

Investigations, etc.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3183. The state department shall conduct such educational and publicity work as it may deem necessary; and, from time to time, shall cause to be issued, free of charge, copies of such rules and regulations, pamphlets, and other literature as it deems reasonably necessary.

Education and publicity

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3184. The state department may establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal diseases, and may provide medical, advisory, financial, or other assistance to such clinics, dispensaries, and stations as may be approved by it. No clinic, dispensary, or prophylactic station shall be approved unless it meets the requirements of the board and complies with its rules and regulations.

Clinics, etc.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3185. The state department may furnish treatment for a case or for a group of cases in rural counties or cities upon the recommendation of the local health officer if adequate facilities for such treatment are not available in the county or city.

Rural counties and cities

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3186. Any state agency conducting a public hospital shall admit acute venereal disease cases, when, in the opinion of the state department or the local health officer having jurisdiction, persons infected with venereal disease may be a menace to public health.

Acute cases

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3187. The state department may require any physician in attendance on a person infected or suspected of being infected with a venereal disease infection to submit such specimens as may be designated for examination, when in its opinion such

Submission of specimens by physicians

procedure is reasonably necessary to carry out the provisions and purposes of this article.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Laboratory
examinations

3188. The examination may be made in the state laboratory or in a local public health laboratory designated by the state department or in a clinical laboratory which is under the immediate supervision and direction of a clinical laboratory technologist or a licensed physician and surgeon.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Additional
examinations

3189. Nothing in this article limits any person's freedom to have additional examinations made elsewhere than specified in this article.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Diseased per-
sons:
Information

3190. Every diseased person shall give all information required by this article, including the name and address of any person from whom the disease may have been contracted and to whom the disease may have been transmitted.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Periodic ex-
aminations

3191. Every diseased person shall from time to time submit to approved examinations to determine the condition of the disease.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Control
measures

3192. If any person subject to proper venereal disease control measures discontinues any control procedure required by this article, the agency administering the procedure prior to such discontinuance shall make reasonable efforts to determine whether such person is continuing to comply with the procedure elsewhere.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Noncompli-
ance with
procedure

3193. If it appears reasonably likely that such person is not complying with such procedure elsewhere, the agency which was administering the procedure prior to the discontinuance shall make all reasonable efforts to induce such person to comply; and if it thereafter appears reasonably likely that he has failed to comply, shall report his name and address to the local health officer or board of health, or to the state department where there is no such local health officer or board.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Duties of lo-
cal health
officers:

3194. It is the duty of the local health officers to use every available means to ascertain the existence of cases of infectious venereal diseases within their respective jurisdictions, to investigate all cases that are not, or probably are not, subject to proper control measures approved by the board, to ascertain so far as possible all sources of infection, and to take all meas-

Control
measures

ures reasonably necessary to prevent the transmission of infection.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3195. Local health officers may inspect and quarantine any place or person when such procedure is necessary to enforce the rules and regulations of the board or the state department.

Inspection
and quaran-
tine

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3196. It is the duty of the district attorney of the county in which a violation of this article may occur to prosecute the person accused of the violation.

Prosecution
by district
attorney

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3197. In any prosecution for a violation of any provision of this article, or any rule or regulation of the board made pursuant to this article, or in any quarantine proceeding authorized by this article, or in any habeas corpus or other proceeding in which the legality of such quarantine is questioned, any physician, health officer, spouse, or other person shall be competent and may be required to testify against any person against whom such prosecution or other proceeding was instituted, and the provisions of subsections 1 and 4 of Section 1881 of the Code of Civil Procedure shall not be applicable to or in any such prosecution or proceeding.

Competent
testimony

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3198. Any person who refuses to give any information to make any report, to comply with any proper control measure or examination, or to perform any other duty or act required by this article, or who violates any provision of this article or any rule or regulation of the state board issued pursuant to this article, or who exposes any person to or infects any person with any venereal disease; or any person infected with a venereal disease in an infectious state who knows of such condition and who marries or has sexual intercourse, is guilty of a misdemeanor.

Refusal to
make re-
ports, etc.

Penalty

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3199. Nothing in this article shall be construed to interfere with the freedom of any adherent of teachings of any well-recognized religious sect, denomination, or organization to depend exclusively upon prayer for healing in accordance with the teachings of such religious sect, denomination, or organization. Any such person, along with any person treating him, shall be exempt from all provisions of this article regarding venereal diseases, except that the provisions of this code and the rules and regulations of the board regarding compulsory reporting of communicable diseases and the quarantine of such

Exemption
of certain re-
ligious sects,
etc.

Exception

diseases, and regarding callings in which a person with venereal disease may not engage, shall apply.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Article 2. Prenatal Syphilitic Tests

(Article 2 added by Stats. 1957, Ch. 205. See note following Section 112)

"Approved laboratory"

3220. "Approved laboratory" as used in this article means a laboratory approved by the state department, or any other laboratory the director of which is licensed by the state department according to law.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

"Standard laboratory blood test"

3221. "Standard laboratory blood test" as used in this article means a test for syphilis approved by the state department.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Blood specimen

3222. Every licensed physician and surgeon or other person engaged in prenatal care of a pregnant woman, or attending such woman at the time of delivery, shall obtain or cause to be obtained a blood specimen of such woman at the time of the first professional visit or within 10 days thereafter.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Submission for test

3223. The blood specimen thus obtained shall be submitted to an approved laboratory for a standard laboratory test for syphilis.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Designation of specimen

3224. In submitting a specimen to a laboratory the physician shall designate it as a prenatal test or a test following recent delivery.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Report form

3225. The state department shall issue a "prenatal test laboratory report form" to be distributed upon application to all laboratories approved to do tests required by this article.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Same: Triplicate copies

3226. Any laboratory doing a test required by this part shall prepare the report in triplicate.

The original shall be transmitted by the laboratory doing the test to the physician submitting the specimen.

The duplicate reports of all specimens which show any degree of reactivity shall be forwarded at weekly intervals to the local health department having jurisdiction over the area in which the physician submitting the specimen is located.

The triplicate shall be retained by the laboratory in its file according to serial number for two years and shall be open at any time for inspection by an authorized representative of the state department.

The laboratory also shall submit such other laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1957, Ch. 461.)

3227. All laboratory reports are confidential, and are not open to public inspection. Reports confidential

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3228. In case of question concerning the accuracy of a test required by this article, it is mandatory upon the state department to accept specimens for checking purposes from any district in the State. Check by state department

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3229. Any licensed physician and surgeon, or other person engaged in attendance upon a pregnant woman or a recently delivered woman, or any representative of a laboratory who violates any provision of this article, is guilty of a misdemeanor. However, a licensed physician and surgeon, or other person engaged in attendance upon a pregnant or recently delivered woman, whose request for a specimen is refused, is not guilty of a misdemeanor for failure to obtain it. Violations: Penalty

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 5. TUBERCULOSIS

(Chapter 5 added by Stats. 1957, Ch. 205. See note following Section 112)

3279. The department shall maintain a program for the control of tuberculosis and shall administer the funds made available by the State for the care of tuberculosis patients. Control program
Administration of funds

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3280. Pulmonary tuberculosis is an infectious and communicable disease, dangerous to the public health, and all proper expenditures that may be made by any county, pursuant to this chapter, are necessary for the preservation of the public health of the county. Expenditures

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3285. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of Duties of health officers; Investigations

inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage and is hereby directed:

Examina-
tions

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

Local rules
and regula-
tions, etc.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department in carrying out such quarantine or isolation.

Isolation or
quarantine
order

(c) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(d) Upon the making of an isolation or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(e) Upon the receipt of information that any quarantine or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter of such isolation or quarantine order, and of such violation or violations thereof.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Exemption

3286. No examination or inspection shall be required of any person who depends exclusively on prayer for healing in accordance with the teachings of any well recognized religious sect, denomination or organization and claims exemption on such ground, except that the provisions of this code regarding compulsory reporting of communicable diseases and isolation and quarantine shall apply where there is probable cause to suspect that such person is infected with the disease in a communicable stage. Such person shall not be required to submit to any medical treatment, or to go to or be confined in a hospital or other medical institution; provided, he can be safely quarantined and/or isolated in his own home or other suitable place of his choice.

Exception

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Inspection of
records

3287. The department may inspect and have access to all records of all institutions and clinics, both public and private, where tuberculosis patients are treated.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3288. The department may advise officers of state educational, correctional, and medical institutions regarding the control of tuberculosis and the care of tuberculosis patients.

Advice by
department

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3294. Each city, county, or group of counties may establish and maintain a tuberculosis ward, hospital, or sanatorium for the treatment of persons suffering from tuberculosis. Each city or county that establishes and maintains a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum provided in Section 3300, and each county that participates jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum specified in Section 3300, for persons suffering from tuberculosis, cared for therein at public expense, who are unable to pay for their support and who have no relatives legally liable and financially able to pay for their support; except that the city or county is not entitled to receive this state aid unless the tuberculosis ward, hospital, or sanatorium conforms to the regulations of and is approved by the state department.

Establish-
ment of
wards, etc.
State subsidy

The hospitals shall be allowed to receive pay patients.

Pay patients

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3295. The state department shall lease any facilities it deems necessary to care for persons afflicted with active contagious tuberculosis who violate the quarantine or isolation orders of the health officer as provided in Section 3351 of the Health and Safety Code. The county referring such person for such care shall not be eligible to receive subsidy for such person under the provisions of this chapter, and the State shall deduct from the subsidy payments to be made to such county an amount computed at the rate of three dollars (\$3) for each patient-day the person is cared for in such facility.

Leasing of
state facil-
ities for vio-
lators of
quarantine

Deductions
from subsidy
payments

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3296. Whenever any person confined in any state institution, as provided in Section 3351 of this code, subject to the jurisdiction of the Director of Corrections, dies, and any personal funds or personal property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars (\$300) to the payment of expenses relating to burial; provided, however, that if no such funds are available, the State Department of Public Health shall reimburse the Director of Corrections for such expenses in an amount not exceeding three hundred dollars (\$300).

Burial ex-
penses

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Return of violators to county where convicted

3297. If the place of confinement of a person confined under the provisions of Section 3351 is in a county other than the county in which he was convicted, upon release he shall be released in the custody of the sheriff of the county in which he was convicted, and the sheriff shall forthwith return him to the place where he was convicted without the necessity of a court order or other process. The sheriff shall prior to the return of the person notify the health officer having jurisdiction of the area to which he will be returned of the date he will reach said area.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1957, Ch. 1736.)

State aid for city or county

3298. Each city or county shall receive from the State the sum provided in Section 3300 of this code for each person suffering from tuberculosis, cared for at public expense in private hospitals or sanatoriums under contract with the city or county or who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support; except that the city or county is not entitled to receive this state aid unless the tuberculosis ward, hospital or sanatorium conforms to the regulations of and is approved by the state department.

Pay patients

The hospitals and sanatoriums shall be allowed to receive pay patients.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Semiannual reports

3299. The medical superintendent of each hospital for which state aid is received under this chapter shall render semiannually to the state department a report under oath showing, for the period covered by the report:

(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.

(b) The number of days of treatment of each such patient.

In the case of hospitals, wards, or sanatoriums operated jointly by two or more counties, the patients whose admission and care have been authorized by each county shall be reported separately.

Exchange of patients

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.

County contracts

Counties may contract for the care and treatment of tuberculosis patients through their boards of supervisors, after consultation with the state department, with cities, counties, or groups of counties, who maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis, which conforms to the regulations of, and is approved by, the state department, and may receive from the State the tuberculosis subsidy provided by Section 3300.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3300. The amount of the tuberculosis subsidy provided by the State to cities or counties separately providing care under this chapter for persons suffering from tuberculosis and the amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital or sanatorium shall be based upon the patient-days of care provided to persons whose admission and care have been authorized by that county, as follows:

Amount of
subsidy

(a) For the first thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and sixty cents (\$2.60) per patient-day.

(b) For the second thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and thirty cents (\$2.30) per patient-day.

(c) For all patient-days of care in excess of seventy-three thousand (73,000) patient-days during a year, the amount shall be one dollar and seventy-five cents (\$1.75) per patient-day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

As used in this section "patient-day" means the period of inpatient service rendered a patient between the census-taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

"Patient
day"

A city or county receiving contributions from or on behalf of any person for whom subsidy has been or is claimed under this section, shall use such contributions as an offset from any state subventions for this purpose by the following percentage of such contributions:

Offsets

(e) If in the year of collection the city or county claimed reimbursement for a total of thirty-six thousand five hundred (36,500) or less patient-days of care, thirty-eight percent (38%).

(f) If in the year of collection the city or county claimed reimbursement for a total of more than thirty-six thousand five hundred (36,500) patient-days, but not more than seventy-three thousand (73,000) patient-days, thirty-three percent (33%).

(g) If in the year of collection the city or county claimed reimbursement for a total of more than seventy-three thousand (73,000) patient-days of care, twenty-eight percent (28%).

Subsections (e), (f) and (g) shall apply to all contributions received by cities or counties on and after January 1, 1960.

(Amended by Stats. 1939, Ch. 1070, by Stats. 1945, Ch. 1447, and by Stats. 1947, Ch. 1000; repealed and added by Stats. 1957, Ch. 205; amended by Stats. 1959, Ch. 1579. See note following Section 112.)

3300a. (Added by Stats. 1945, Ch. 601; amended and renumbered 3300.5 by Stats. 1947, Ch. 1000.)

3300.4. (Added by Stats. 1949, Ch. 1091; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3300.45. (Added by Stats. 1953, Ch. 28; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3300.46. (Added by Stats. 1953, Ch. 331; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3300.5. (Formerly 3300a; added by Stats. 1945, Ch. 601; amended and renumbered by Stats. 1947, Ch. 1000; amended by Stats. 1953, Ch. 550; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Legislative
intent

3301. It is the intention of the Legislature to adjust from time to time state participation in the care of persons suffering from tuberculosis in accordance with changes in the cost of caring for such patients.

(Amended by Stats. 1945, Ch. 1447, by Stats. 1947, Ch. 1000; repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3301.5. (Added by Stats. 1947, Ch. 1000; amended by Stats. 1949, Ch. 1242, and by Stats. 1953, Ch. 1513; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3301.6. (Added by Stats. 1947, Ch. 1000; amended by Stats. 1949, Ch. 1242, and by Stats. 1953, Ch. 1513; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3301.7. (Added by Stats. 1953, Ch. 1513; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Hospital
central com-
mittee

3302. Each group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one supervisor as a delegate, who shall attend the general meetings of the delegates of each county in the group. The necessary expense incurred in attending such meetings is a county charge. The body thus formed shall be called the hospital central committee.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

Delegates

3303. Each group of counties maintaining a tuberculosis hospital under this chapter may by unanimous agreement provide for a different number of delegates to the hospital central committee than the number provided for in this chapter and may provide for a method of deciding a tie vote of the hospital central committee.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

Place where
hospital busi-
ness trans-
acted, etc.

3304. The hospital central committee shall designate a county within the group maintaining the hospital as the place where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers selected for the business of the hospital shall render all

Duties of
officers

necessary assistance required by the committee in keeping with the duties of their respective offices.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3305. The delegates from each county may enter into an agreement with delegates from the other counties, on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the hospital. Money due from any county under the agreement may be collected by the hospital central committee or, on its behalf, by the board of supervisors of any county in the group, by action in the county in which the hospital is situated.

Joint enter-
prises by
counties

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3306. The hospital central committee may appoint a committee to supervise the construction of the hospital, approve the bills, and do the usual things required of a building committee.

Building
committee

The hospital central committee is the governing body of the hospital. It has the same powers and duties in regard to the hospital that a board of supervisors has over a county hospital. It shall adopt rules for its government, which shall include provisions for holding meetings and for the addition of other counties to the group. It may appoint such committees as are necessary, and shall prescribe their duties.

Powers of
hospital cen-
tral com-
mittee

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3307. Any land required may be acquired or disposed of by the hospital central committee in such manner as may be determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the hospital central committee.

Land

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the actual expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for the county's proportionate share of the expenses. Monthly claims shall be reduced to the extent of any remaining balance of a county's quarterly payments. The amounts when collected shall be paid into the cash revolving fund.

Expenses

(Repealed and added by Stats. 1957, Ch. 205; amended by Stats. 1959, Ch. 1489. See note following Section 112.)

Admission of
patients

3309. The hospital central committee may determine and pass upon the right of admission to the hospital of applicants, subject to the limitations of this chapter.

(Repealed and added by Stats. 1957, Ch. 205. See note following Section 112.)

Estimates
and claims

3310. Prior to the beginning of each quarter of the year an estimate of the amount required to operate the hospital for the subsequent quarter may be sent by the hospital central committee to the board of supervisors of each county, together with a claim for the county's proportionate share of the quarterly expenses of the hospital, and, upon approval of the board of supervisors, the county shall pay such claim.

(Added by Stats. 1959, Ch. 1489.)

3325. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000.)

3326. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1947, Ch. 1000.)

3340. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3341. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

3342. (Added by Stats. 1939, Ch. 919; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 6. VIOLATIONS

(Chapter 6 added by Stats. 1957, Ch. 205. See note following Section 112)

Misdemeanor

3350. Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the state department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

Violation of
order:

3351. Any person who, after service upon him of an order of a health officer directing his isolation as provided in Section 3285, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction; further provided, that the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with; and provided further, that upon any subsequent violation of such

Confinement
and pro-
bation

order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court.

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3352. Upon any subsequent conviction under the provisions of Section 3351, the court may order the person confined for a period not exceeding one year for such subsequent conviction, or such other penalty as provided by said section.

Subsequent
conviction

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3353. Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself, and any person who wilfully exposes another person afflicted with such disease, is guilty of a misdemeanor.

Exposure:
Misdemeanor

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3354. Any person who violates any section in Chapter 3 of this division, with the exception of Section 3111, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for a term of not more than 90 days, or by both. He is guilty of a separate offense for each day that the violation continued.

Violation:
Contagious
or communi-
cable disease
quarantine

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

3355. The district attorney of the county in which a violation of Sections 3285 and 3351 may be committed, shall prosecute all such violations and, upon the request of a health officer, shall prosecute, as provided in Section 3351, violations of any isolation order of a health officer made and served as provided in Section 3285.

Prosecution
by district
attorney

(Added by Stats. 1957, Ch. 205. See note following Section 112.)

DIVISION 5. SANITATION

PART 1. SANITARY PROVISIONS

CHAPTER 1. COMMON DRINKING CUPS

3700. No person conducting, having charge of, or control of, any hotel, restaurant, saloon, soda fountain, store, theater, public hall, public or private school, church, hospital, club, office building, park, playground, lavatory or washroom, barber shop, railroad train, boat, or any other public place, building, room, or conveyance, shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes.

Common
drinking cups

"Common
use"

3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department of Public Health.

(Amended by Stats. 1957, Ch. 205.)

Water
containers

3702. No cask, water cooler, or other receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. All such containers shall be provided with a faucet or other suitable device for drawing the water.

(Amended by Stats. 1957, Ch. 205.)

Enforcement

3703. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

Penalties

3704. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense.

CHAPTER 2. INFECTED PACKING MATERIALS

"Filthy,
contami-
nated or
unsanitary
packing
material"

3750. For the purpose of this chapter the term "filthy, contaminated, or unsanitary packing material" includes any or all of the following:

(a) Packing material that has been exposed to contagious or infectious disease.

(b) Material that is contaminated with vermin.

(c) Material that is generally filthy.

(d) Filthy or used wood excelsior.

(e) Excelsior made from filthy or used paper.

Disinfection

3751. Unsanitary packing material shall not be used until it has been cleaned and disinfected to the satisfaction of the State Department of Agriculture, State Department of Public Health, or the agents of either or both, or by a county health officer.

Costs of
inspection

3752. The person having such material cleaned and disinfected shall pay the costs of the inspection.

Penalty

3753. Every person who knowingly packs any goods intended for delivery to other parties or for transportation by common carriers with unsanitary packing material is guilty of a misdemeanor.

CHAPTER 3. COMMON TOWELS

Towel for
common use
forbidden

3800. No person conducting, operating, or having charge or control of, any hotel, restaurant, factory, store, barber shop, office building, school, public hall, railroad train, railway station, boat, or any other public place, room, or conveyance, shall maintain or keep in or about any such place any towel for common use.

3801. For the purpose of this chapter the term "common use" when applied to a towel means its use by, or for, more than one person without its being laundered between consecutive uses of such towel by methods prescribed by or acceptable to the State Department of Public Health.

(Amended by Stats. 1957, Ch. 205.)

3802. The State department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter. Enforcement

3803. Violation of any provision of this chapter is a misdemeanor punishable by a fine not exceeding twenty-five dollars (\$25) for each offense. Penalty

CHAPTER 4. WIPING RAGS

Article 1. Use of Wiping Rags

3900. "Wiping rags," as used in this chapter means cloths and rags used for any or all of the following purposes: "Wiping rags"

(a) Wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats.

(b) Generally for cleaning in industrial employment.

(c) Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding, or soiled rags or cloths unless they have been sterilized by methods prescribed by or acceptable to the State Department of Public Health. Sterilization

(Amended by Stats. 1957, Ch. 205.)

3902. Every peace officer, health officer, or health inspector, upon proper demand and notice of his authority, may, during business hours, enter any place where wiping rags are used, are kept for sale, or offered for sale, and inspect the wiping rags. No person shall refuse to permit the inspection, or impede or obstruct the officer during the inspection. Enforcement

Article 2. Regulation of Wiping Rag Business

3950. Each county or city may regulate the business of laundering, sterilizing, or selling wiping rags by enacting ordinances prohibiting the laundering, sterilizing, and sale, and offering for sale, of wiping rags, or cloth material for wiping rags, without a permit issued by the board of supervisors of the county, or board of health or health officer of the city, and providing for the issuance of certificates of inspection of wiping rags offered for sale. Permit

Revocation

3951. The permit shall be granted as of course on a first application, and may be revoked by the board or officer authorized to issue it for a violation of this chapter or the applicable ordinance by the holder of the permit.

Register

3952. The board, department, or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a record of revocation of permits and a register of:

(a) The names and places of business of persons to whom permits are issued.

(b) The date of issue and number of each permit.

Marking

3953. Before being sold or offered for sale, each package or parcel of wiping rags shall be plainly marked "sterilized wiping rags," and in addition it shall be plainly marked:

(a) With the number and date of permit given for the conducting of the laundry in which the rags contained in the package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or

(b) With the name and location of the laundry in which the rags were laundered and sterilized.

Laundering

3954. No machinery or appliances used for laundering clothing and articles for personal wear or household use shall be used for laundering soiled rags or soiled cloth material for wiping rags.

(Amended by Stats. 1957, Ch. 205.)

Article 3. Offenses

Penalty

3960. Every person who violates any provision of this chapter is guilty of a misdemeanor.

CHAPTER 5. (Repealed by Stats. 1939, Ch. 114)

3975. (Repealed by Stats. 1939, Ch. 114.)

CHAPTER 6. ICE

(Chapter 6 repealed and added by Stats. 1953, Ch. 1431)

Article 1. Regulations and Definitions

(Article heading added by Stats. 1953, Ch. 1431)

Ice made or
cut from
polluted
water

4000. No person shall make ice from, or cut natural ice from, impure or polluted water. No person shall sell or offer for sale for human consumption or food preservation ice made or cut in violation of this chapter.

(Repealed and added by Stats. 1953, Ch. 1431.)

Water
analysis

4001. Unless water from an approved municipal supply is used in the manufacture of ice, the manufacturer shall obtain a bacterial analysis by an approved laboratory of the water used, quarterly. The analysis shall be submitted to the state or local department of public health, indicating whether the water is pure and wholesome.

(Repealed and added by Stats. 1953, Ch. 1431; amended by Stats. 1957, Ch. 205.)

4002. All tanks or containers storing water for the manufacture of ice shall be provided with covers which exclude all contamination or pollution of external origin.

Tank or container covers

(Repealed and added by Stats. 1953, Ch. 1431; amended by Stats. 1957, Ch. 205.)

4003. (a) "Ice plant" means any place or structure, other than a private residence, where ice intended for human consumption, food preservation, or other uses, is manufactured.

Definitions

(b) "Self-contained ice plant" means any place or structure, other than a private residence, wherein equipment is employed for the making of ice and ice cubes, or the shredding, grinding, or processing thereof, for human consumption.

(c) "Ice distributor" means any person transporting, selling, or distributing ice in any form to users or consumers.

(Repealed and added by Stats. 1953, Ch. 1431.)

4004. Any ice plant, self-contained ice plant, or distributor shall comply fully with the following provisions:

Ice plant provisions

(a) A room in which ice is manufactured shall be used for no other purpose than the manufacture of ice and the production of refrigeration. Machinery and refrigeration equipment are excepted under this subdivision.

(b) A room in which ice is stored or processed shall be used for no other purpose during such period of storage or processing. Storage or processing rooms shall be maintained in a clean and sanitary condition and no noxious or offensive odors, smoking, or other air pollution shall be permitted.

(c) The floors, walls, and ceilings in a room where ice is manufactured, processed, or stored shall be maintained in a clean and sanitary condition.

(d) A room in which ice is manufactured, processed, or stored shall be adequately illuminated with natural or artificial lighting.

(e) The entire premises, including all equipment or parts thereof, shall be maintained in a clean and sanitary condition at all times, free from filth, refuse, vermin, insects or rodents.

(f) Cover tops for tank cans shall have a smooth, painted, or treated surface, and shall be cleaned daily. Water used for cleaning shall not be permitted to drip into freezing cans.

(g) Crushed, cubed, or shaved ice, intended for human consumption, shall be stored in a manner to prevent its pollution or contamination.

(h) Soil, waste, or drain pipes shall not be installed or maintained above any ice platform, loading space, ice container, ice storage room, dip tank, or any place where leakage from such pipes may drop into, or upon, any ice or upon any area or equipment used in the manufacture of ice, unless a proper safety shall be installed under such pipes properly drained to an open receptacle or drain to prevent pollution of ice, water, or equipment used in the manufacture of ice.

(i) Ice-loading platforms shall be washed with water as often as necessary to keep them in a clean and sanitary condition, but not less than once each day.

(j) Pullers and storage-room employees shall wear rubbers over shoes while on duty. Such rubbers shall be removed when the employee leaves the storage or tank room, except that if rubbers are not removed, they shall be cleaned and disinfected in a suitable solution before re-entering the storage or tank room. The use of street shoes without rubbers in these areas is prohibited.

(k) All persons handling ice shall wear clean clothing at all times. No person shall expectorate or smoke in any room where ice is manufactured, stored, or processed.

(l) Ice shall be handled only with tongs, ice-carrying bags, scoops, or other sanitary containers, and not with the hands.

(Repealed and added by Stats. 1953, Ch. 1431.)

Ice as food

4005. Ice shall be considered a food subject to the provisions of Article 1 of Chapter 7 of Division 21, in addition to the provisions of this chapter.

(Repealed and added by Stats. 1953, Ch. 1431.)

Vehicle
sanitation

4006. Any truck, vehicle or other equipment used for delivery, distributing, or selling ice, shall comply with the following provisions:

(a) It shall be constructed and maintained to provide adequate and reasonable protection to the ice transported therein. Care shall be taken to prevent its contact with filth or other refuse, and to prevent its contamination by animal or vegetable matter, noxious oils, acids, or other offensive substances.

(b) The interior shall be thoroughly cleaned daily.

(c) Fabric bags used for handling cube and crushed ice shall be thoroughly washed before filling. In lieu of fabric bags, wet-strength nonreturnable paper bags or any other container made from a material complying with standard sanitary handling may be used as a package for the delivery of ice.

(d) Cubed or crushed ice packaged in fabric or paper bags, or other containers, shall not be stacked on top of one another, unless each bag, or other container, has an adequate cover for protection.

(e) All cubed, crushed, or shaved ice shall be kept in clean receptacles or containers which shall be kept covered while the vehicle is in motion. The grinding, shaving, cubing, or processing of ice, on streets, alleys, highways, or sidewalks, is prohibited.

(Added by Stats. 1953, Ch. 1431.)

Article 2. Enforcement

Enforcement

4008. (a) The provisions of this chapter shall be enforced by the State Department of Public Health, or any local public health department.

(b) Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and

places of storage used by any person for storing or selling ice intended for human consumption or the preservation of food.

(Added by Stats. 1953, Ch. 1431.)

4009. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in a county jail for not exceeding six months, or by both such fine and imprisonment. Violations

(Added by Stats. 1953, Ch. 1431.)

4009.5. This chapter shall not apply to a public eating place or to the icing of trucks, railroad cars and boats. Exemptions

(Added by Stats. 1953, Ch. 1431.)

CHAPTER 7. WATER AND WATER SYSTEMS

(Chapter 7 added by Stats. 1947, Ch. 992)

Article 1. Permits

4010. "Person," as used in this chapter, includes any public utility, municipality, or other public body or institution. "Person"

"User," as used in this chapter, shall be defined to include any individual, corporation or association of individuals using water for domestic purposes, except that "user" shall not be defined to include any individual, corporation, or association of individuals processing water or selling, serving, furnishing, or supplying water to the public in any manner. "User"

"Furnish or supply," as used in this chapter, is used in its normal and natural meaning, except that "furnish or supply" shall not be defined to include furnishing or supplying water to a user in a rural area for domestic purposes where the user receives the water, by pipe or otherwise, directly from an open irrigation canal system, but subject to foregoing, "furnish or supply" shall be defined to include furnishing or supplying water to two or more places of human habitation where said places are connected by an integrated pipe system owned and operated by the supplier. "Furnish or supply"

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1116.)

4010.5. "Water Works Standards," as used in this chapter, means the "Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use" adopted by the California Section of the American Water Works Association on October 29, 1948. The board shall publish the Water Works Standards and make a copy thereof available upon request without charge to any person holding a permit under this chapter. "Water Works Standards"

(Added by Stats. 1949, Ch. 949.)

4011. No person shall furnish or supply water to a user for domestic purposes from any source of water supply, unless he first files a petition for permission so to do with the board and receives a permit as provided in this chapter. Permit to supply water

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174, and by Stats. 1949, Ch. 1116.)

Permit
to change
source of
supply, etc.

4011.5. No person shall modify, add to or change his source of supply or method of treatment of water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his source of supply or method of treatment as may be specified in such amended permit, or unless such modifications, additions, or changes in the source of supply or method of treatment comply in all particulars with such of the mandatory requirements of the Water Works Standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 1174; amended by Stats. 1949, Ch. 949.)

Petition for
amended
permit

4011.6. No person shall modify, add to or change his distribution system for water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his distribution system as may be specified in such amended permit, or unless such modifications, additions or changes in said distribution system comply in all particulars with such of the mandatory requirements of the Water Works Standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

(Added by Stats. 1947, Ch. 1174; amended by Stats. 1949, Ch. 949.)

Plans and
specifications

4012. With the petition shall be filed a complete set of plans and specifications, together with a statement containing a general description and history of the existing or proposed plant, works, or system or proposed changes therein, and showing the geographical location thereof with relation to the source of the water supply and all the sanitary and health conditions surrounding and affecting such supply and the plant, works, or system.

(Added by Stats. 1947, Ch. 992.)

Same

4013. The plans, specifications, and statement shall be in such form and cover such matters as the board prescribes.

(Added by Stats. 1947, Ch. 992.)

4014. Upon receipt of a petition filed pursuant to this chapter the board shall make a thorough investigation of the proposed or existing plant, works, system, or water supply, and all other circumstances and conditions which it deems material. Investigation

The board may for good cause grant a temporary permit to any person who has filed a petition for a permit as provided in this chapter upon such terms as it shall determine are in the public interest pending the completion of the investigation required by this section of the proposed or existing plant, works, system or water supply which temporary permit shall terminate upon the date therein specified. Said temporary permit may be revoked or suspended as provided in this code with respect to the revocation or suspension of a permit as provided in this chapter. Temporary permit

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4015. As a part of the investigation, and after 10 days' notice by mail to the petitioner, a hearing may be had before the board or an examiner appointed by it. At the hearing all testimony shall be given under oath, and evidence, oral and documentary, may be received, a record of which shall be made and filed with the board. Hearing

(Added by Stats. 1947, Ch. 992.)

4016. If, upon the completion of the investigation, the board determines, as a fact, that the water furnished or supplied, or proposed to be supplied is such that under all the circumstances and conditions it is impure, unwholesome, or unpotable, or may constitute a menace or danger to the health or lives of human beings, or the existing or proposed plant, works, system, or water supply, or proposed modifications, are unhealthful or insanitary, or not suited to the production and delivery of healthful, pure, and wholesome water at all times, it shall deny the petition and order the petitioner to make such changes as it deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water. Denial of petition

Order for change in quality of supply

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4017. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

4018. The board may order such repairs, alterations, or additions to the existing plant, works, or system as to insure that the water furnished or supplied shall at all times be pure, wholesome, and potable and without danger to the lives or health of human beings. Repairs, etc.

(Added by Stats. 1947, Ch. 992.)

4019. The board may order such changes in the source of the water supply or in the installation of purification and refining works and such other measures as shall insure a continuous supply of pure, wholesome, and potable water without danger to the lives or health of human beings. Change in supply, etc.

(Added by Stats. 1947, Ch. 992.)

Same: Time 4020. Any order requiring changes shall designate the period within which the changes are to be made.

A temporary permit may be issued by the board for the period fixed to permit the petitioner to comply with the order.

(Added by Stats. 1947, Ch. 992.)

Permit 4021. If the board determines that the water being furnished or supplied is such that under all the circumstances and conditions it is pure, wholesome, and potable and does not endanger the lives or health of human beings, it shall grant a permit authorizing the petitioner to furnish or continue to furnish or supply the water.

(Added by Stats. 1947, Ch. 992.)

Same: Revocation, etc. 4022. Any permit issued may be revoked or suspended by the board at any time if it determines that the water being supplied or furnished by the permittee is or may become impure, unwholesome, or unpotable or endangers or will endanger the lives or health of human beings.

(Added by Stats. 1947, Ch. 992.)

Reports 4023. The holder of a permit may at any time by order of the board and upon demand be required to furnish to the board a complete report on the condition and operation of the plant, works, system, or water supply owned, operated, or controlled by him. The report shall be made by some competent person at the sole cost and expense of the holder of the permit.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

Private supply 4024. No permit is required of any person supplying water for domestic purposes on his own private property upon which there is no industrial camp, hotel, or temporary or permanent resort using the water.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1550.)

Industrial camps, hotels, etc. 4025. The board, or any member of the department designated by the board to act in its behalf, or any local health officer may issue a permit for any water system supplying less than two hundred service connections or for any system supplying an industrial camp, hotel, or temporary or permanent resort.

(Added by Stats. 1949, Ch. 1550.)

Article 2. Violations

Inspection, etc. 4030. The board and its inspectors may at any and all reasonable times enter any and all places, property, enclosures, and structures for the purpose of making examinations and investigations to determine whether any provision of this chapter is being violated.

(Added by Stats. 1947, Ch. 992.)

Impure, etc., water 4031. It is unlawful for any person to furnish or supply to a user water used or intended to be used for human consumption or for domestic purposes which is impure, unwholesome, unpotable, polluted, or dangerous to health.

(Added by Stats. 1947, Ch. 992; amended by Stats. 1949, Ch. 1116.)

4032. Every person who knowingly violates or knowingly fails to comply with any of the provisions of this chapter, or of any order of the board issued pursuant to this chapter, or who procures, aids, or abets in any such violation or failure, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both. Violations:
Penalty

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4033. The continued existence of any violation of this chapter, or of any order of the board issued pursuant to this chapter, beyond the time stipulated for compliance with its provisions, constitutes a separate and distinct offense. Continued
violation

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4034. Anything done, maintained, or suffered in violation of any of the provisions of this chapter is a public nuisance dangerous to health, and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered so to do shall abate the nuisance immediately. Public
nuisance

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174.)

4035. Any person who furnishes or supplies to a user water used or intended to be used for human consumption or for domestic purposes, without having an unrevoked permit so to do, may be enjoined from so doing by any court of competent jurisdiction at the suit of the board. Injunction

(Added by Stats. 1947, Ch. 992; amended by Stats. 1947, Ch. 1174, and by Stats. 1949, Ch. 1116.)

4036. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

4038. (Added by Stats. 1947, Ch. 992; repealed by Stats. 1947, Ch. 1174.)

CHAPTER 8. RECREATIONAL USE OF WATER SUPPLY RESERVOIRS

(Chapter 8 added by Stats. 1957, Ch. 2412)

4050. It is hereby declared to be the policy of this State that multiple use should be made of all public water within the State, to the extent that such multiple use is consistent with public health and public safety. "Multiple use," as used in this section, includes domestic, industrial, agricultural, and recreational uses. State policy

"Multiple
use"

As used in this chapter "recreational uses" shall not, with respect to a reservoir in which water is stored for domestic use, include recreation in which there is bodily contact with the water by any participant. "Recrea-
tional uses"

(Added by Stats. 1957, Ch. 2412.)

4051. All water supply reservoirs of a public agency, whether heretofore or hereafter constructed, shall be open for Public reser-
voirs

recreational use by the people of this State, subject to the regulations of the State Department of Public Health.

(Added by Stats. 1957, Ch. 2412.)

"Reservoir" 4052. The term "reservoir" does not include ditches, canals or any similar type of water distributing facility.

(Added by Stats. 1957, Ch. 2412.)

"Public agency" 4053. "Public agency" as used in this chapter means the State or any city other than a chartered city, county, public district or other public institution.

(Added by Stats. 1957, Ch. 2412.)

Fees 4054. The public agency operating any water supply reservoir which is open for recreational use pursuant to this chapter may charge a use fee to cover the cost of policing the area around such reservoir, including the cost of providing the necessary sanitary facilities and other costs incidental to the recreational use of such reservoir.

(Added by Stats. 1957, Ch. 2412.)

Exemption 4055. This chapter does not apply to terminal reservoirs for the supply of domestic water.

(Added by Stats. 1957, Ch. 2412.)

PART 2. GARBAGE AND REFUSE DISPOSAL

CHAPTER 1. GARBAGE DISPOSAL DISTRICTS

Article 1. Definitions

"District" 4100. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes.

Article 2. Formation

Formation 4105. Any portion or portions of a county, whether contiguous or noncontiguous, and whether the portion or portions include incorporated or unincorporated territory, may be formed into a garbage disposal district in the manner and under the proceedings in this chapter set forth; except that less than the whole of any city shall not be included in the district without unanimous consent of the governing body of the city; and except that no parcel of noncontiguous territory which is less than a full subdivision and which in no case contains less than 10 privately owned acres may be included in any district.

(Amended by Stats. 1947, Ch. 1047.)

Resolution of intention 4106. The board of supervisors may determine by resolution that a portion of the county is in need of facilities for the disposal of garbage and should be formed into a district.

Publication Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive

weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.

4107. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage disposal district. Time and place

4108. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district. So far as practicable the boundaries shall be the center lines of highways. Description of territory

4109. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district. Objections

Hearing

4110. At the conclusion of the hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution order the matter of the creation of the district, within the boundary lines determined upon at the hearing, to be submitted to the voters registered in the proposed district at an election to be called for that purpose. At the election only voters registered in the proposed district shall be permitted to vote. Order or resolution

4111. Election precincts shall be established by the board, and election boards composed of one inspector, one judge, and one clerk shall be named. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other matters the election shall be conducted in the manner ordered by the board of supervisors. Precincts

Notice

4112. If at the election a majority of all those voting upon the question of creation of the district, and a majority of those voting thereon in each city is in favor of the formation of the district, the board of supervisors shall make an order forming the district and thereupon it is formed. The order shall contain the name of the district, and a description of the boundaries, or otherwise indicate its territorial extent. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention, and of the fact of the holding of the hearing on formation. Formation upon election

Article 3. Administration and Powers

Powers

4120. The board of supervisors is the governing body of the district and may do any or all of the following:

(a) Make and enforce all rules and regulations necessary for the administration and government of the district, and for the collection and disposal of garbage and other refuse matter in the district.

(b) Appoint agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

(c) Acquire by gift, purchase, condemnation, or otherwise, in the name of the county, and own, control, manage, and dispose of any interest in real or personal property, or, necessary or convenient for the collection and disposal of the garbage or other refuse matter of the district.

(d) Perform all of the acts necessary or proper to accomplish the purposes of this chapter.

Contracts

4121. The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published pursuant to Section 6062 of the Government Code. If there is no newspaper of general circulation published in the county, then the notice shall be given by posting in three public places for at least two weeks.

Bids

Letting contract

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible bidder. If no satisfactory bid is obtained the board may reject all bids. If all bids are rejected the board of supervisors may re-advertise for bids or, without the necessity of readvertising, may enter into contracts for the disposal of garbage and other refuse for a term not to exceed six months on such terms as are necessary or proper in the exercise of the district's powers.

(Amended by Stats. 1953, Ch. 689, by Stats. 1957, Ch. 357, and by Stats. 1959, Ch. 598.)

Emergency contracts

4121.1. In the event of an emergency occasioned by default of a contractor or other circumstances which would be detrimental to the public health, safety or welfare of the inhabitants of the district, the board of supervisors may, without the necessity of advertising for bids, enter into contracts for the disposal of garbage and other refuse for a term not to exceed six months on such terms as are necessary or proper, in the exercise of the districts' power.

(Added by Stats. 1959, Ch. 503.)

Property

4122. The title of all property which is acquired for a district vests in the county. Whenever all of the territory in the district is annexed or otherwise included in any one city, the district shall continue in existence until the legislative

body of the city adopts and files with the governing body of the district a certified copy of a resolution requesting the dissolution of the district. Upon the filing of the resolution with the governing board of the district the district is dissolved and the property becomes the property of the city. All money in the county treasury to the credit of the district shall upon the annexation or inclusion of the district be forthwith transferred to the treasury of the city and be used only for the purpose for which it was available prior to the transfer.

(Amended by Stats. 1957, Ch. 1407. In effect July 5, 1957.)

Article 4. Taxation

4127. The board of supervisors shall levy a tax each year upon the taxable property in the district sufficient to defray the cost of the disposal of garbage and other refuse in the district, and of the maintenance of the district, and to meet such other expenditures as are authorized by this chapter. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter. Taxation

Article 4.5. Claims

(Article 4.5 added by Stats. 1959, Ch. 1727)

4130. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

(Added by Stats. 1959, Ch. 1727.)

Article 5. Annexation

4135. The boundaries of any district may be altered, and outlying districts or territory, whether incorporated or unincorporated, and whether contiguous or noncontiguous, may be annexed as provided in this article; provided, however, that no parcel of noncontiguous territory which contains less than 10 privately owned acres may be annexed to any district. Annexation

(Amended by Stats. 1947, Ch. 1047.)

4136. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing. Resolution
setting
hearing

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

4137. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory pro- Posting of
notice

posed to be annexed and in at least three conspicuous places in the district.

(Repealed and added by Stats. 1949, Ch. 359.)

"Notice of
hearing"

4138. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than ten days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

Hearing

4139. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation.

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory.

Unanimous
consent

Less than the whole of any city shall not be annexed to the district except by unanimous consent of the governing body of the city.

(Amended by Stats. 1947, Ch. 1047; repealed and added by Stats. 1949, Ch. 359.)

Article 6. Withdrawal of Territory

Withdrawal

4143. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom as provided in this article.

Any portion of a district annexed to or otherwise included in a city shall have a right to withdraw from the district and shall be withdrawn from the district upon there being filed with the board of supervisors a request by the legislative body of the city in which such portion of the district is included that such withdrawal be effected.

(Amended by Stats. 1957, Ch. 1407. In effect July 5, 1957.)

Petition

4144. Upon receiving a petition signed by 50 or more freeholders in the portion desired to be withdrawn from any district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion sought to be withdrawn, requesting the withdrawal of that portion from the district on the ground that it will not be benefited by remaining in the district, the board of supervisors shall fix for the hearing

of the petition and for hearing protests to the continuance of the remaining territory as a garbage disposal district a time that shall not be less than 10 days, nor more than 30 days after the receipt of the petition.

4144.1. As an alternative to the procedure outlined in Section 4144, the governing board of a garbage disposal district may by resolution entered in its minutes fix a time and place for hearing on the question of the exclusion of any portion of a garbage disposal district which will not be benefited by remaining within the district. The time fixed for said hearing shall not be less than 10 nor more than 30 days after passage of the resolution. Alternative procedure

(Added by Stats. 1955, Ch. 1470.)

4145. The board of supervisors shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district that the board deems most likely to give notice to the inhabitants of the portion of the district proposed for withdrawal. Notice

4146. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district or may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon them. If it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall by resolution declare the district re-established excluding therefrom the territory found not benefited by remaining in the district. Hearing
Order

(Amended by Stats. 1955, Ch. 1470.)

4147. Upon the withdrawal of any territory from a district, as in this chapter provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district; except, when the territory being withdrawn or sought to be withdrawn from the district includes any territory within a city. All property acquired for the district and all unencumbered funds on the date of withdrawal including all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. The unencumbered funds shall be deemed to be the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district. Property

In the event there is a withdrawal of territory from a district by reason of portions of such district having been included within more than one city each city shall be entitled

hereunder to the assets of the district, as set forth herein, in the same proportion that the assessed value of that portion of the district within the city bore to the assessed value of the entire district prior to the withdrawal.

(Amended by Stats. 1957, Ch. 1407.)

Article 7. Dissolution

- Dissolution** 4160. A district may be dissolved by the board of supervisors as provided in this article.
- Petition** 4161. Upon receiving a petition signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.
- Notice**
- Hearing** 4162. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.
- Order** 4163. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and the district is then dissolved, and the property of the district remains the property of the county. Any money remaining in the fund of the district shall be expended in the maintenance and repair of the highways in the district whether such highways at the time of dissolution are in incorporated territory or in unincorporated territory.
- Funds**

Article 8. Consolidation

(Article 8 added by Stats. 1955, Ch. 1470)

- Consolidation** 4165. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated.
- (Added by Stats. 1955, Ch. 1470.)
- Notice: Publication** 4165.1. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice pursuant to Section 6066 of the Government Code in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts.
- (Added by Stats. 1955, Ch. 1470; amended by Stats. 1957, Ch. 357.)

4165.2. The notice shall be headed "Notice of the proposed consolidation of ----- Garbage Disposal District and ----- Garbage Disposal District," stating the names of the districts proposed to be consolidated, and shall contain a statement of the time and place fixed by the board for hearing the matter. Contents

(Added by Stats. 1955, Ch. 1470.)

4165.3. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts. Same

(Added by Stats. 1955, Ch. 1470.)

4165.4. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation. Hearing

(Added by Stats. 1955, Ch. 1470.)

4165.5. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated. Order

(Added by Stats. 1955, Ch. 1470.)

4165.6. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known. Resolution

(Added by Stats. 1955, Ch. 1470.)

4165.7. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated. Liability of new district

(Added by Stats. 1955, Ch. 1470.)

CHAPTER 1.5. GARBAGE AND REFUSE DISPOSAL DISTRICTS

(Chapter 1.5 added by Stats. 1951, Ch. 964)

Article 1. Definitions

(Article 1 added by Stats. 1951, Ch. 964)

4170. "District," as used in this chapter, means a district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

(Added by Stats. 1951, Ch. 964.)

Article 2. Formation

(Article 2 added by Stats. 1951, Ch. 964)

4171. Any contiguous portion or portions of a county whether the portion or portions include incorporated or unincorporated territory, may be formed into a garbage and refuse disposal district in the manner and under the proceedings in this chapter set forth; except that no city or any portion thereof shall be included in the district without the consent of the governing body of the city, such consent being adopted by a favorable vote of two-thirds or more of its members. Territory

(Added by Stats. 1951, Ch. 964.)

- Resolution** 4172. The board of supervisors may determine by resolution that a portion of the county is in need of a site for the disposal of garbage and refuse and should be formed into a district.
- Hearing** Thereupon the board of supervisors shall fix a time and a place for a hearing on the matter of the formation of the district, which time shall be not less than three weeks after the adoption of the resolution, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a district, and which the board deems most likely to give notice to the inhabitants of the territory.
- Notice:** (Added by Stats. 1951, Ch. 964.)
- Contents** 4173. The notice shall state the fact that the board of supervisors of the county has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a garbage and refuse disposal district.
- (Added by Stats. 1951, Ch. 964.)
- Same** 4174. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district.
- (Added by Stats. 1951, Ch. 964.)
- Objections** 4175. At any time prior to the time fixed for a hearing of the matter, any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board of supervisors shall consider and pass on all objections to the creation of the district, or to the inclusion of any territory in the district. At the hearing, the board of supervisors may exclude any territory that in the opinion of the board would not be benefited by inclusion in the district.
- (Added by Stats. 1951, Ch. 964.)
- Exclusion of territory** 4176. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries.
- (Added by Stats. 1951, Ch. 964.)
- Boundaries** 4177. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors.
- Organization order** The name shall contain the words "garbage and refuse disposal district."
- (Added by Stats. 1951, Ch. 964.)
- Name** 4178. The county clerk shall immediately file for record in the office of the county recorder of the county in which the land embraced in the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the
- Filing of order**

board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

(Added by Stats. 1951, Ch. 964; amended by Stats. 1957, Ch. 46.)

Article 3. Board of Directors

(Article 3 added by Stats. 1951, Ch. 964)

4179. Within 30 days after the filing with the Secretary of State of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The governing board of a district is a board of directors of not less than three members. The district board shall be appointed as follows: Directors:
Appoint-
ment

(a) If the district includes only one incorporated city two members of the governing body shall be selected by the board of supervisors and one member of the governing body shall be selected by the city council;

(b) If the district includes two or more cities only one member of the governing body of the district shall be selected by the board of supervisors to represent the unincorporated area. The legislative body of each city within the district shall appoint one member to represent each incorporated city within the district. In the event that the selection of members pursuant to this subdivision results in the governing body having an even number of members, those members may appoint an additional member from the district at large.

A vacancy shall be filled in the same manner as an original appointment. The person appointed shall reside within the area he represents. Vacancy

(Added by Stats. 1951, Ch. 964.)

Article 4. Powers and Duties

(Article 4 added by Stats. 1951, Ch. 964)

4180. The governing body of the district may do any or all of the following: Powers of
governing
body

(a) Make and enforce all rules and regulations necessary for the administration and government of the district and for the operation and maintenance of the garbage and refuse disposal site acquired by the district;

(b) Appoint agents, employees, and experts for the district sufficient to maintain and operate the property acquired for the purposes of the district;

(c) Enter into such contracts with other public agencies as may be necessary or proper to accomplish the purposes of the district;

(d) Acquire by gift, purchase, condemnation, or otherwise in the name of the district, and own, control, manage, dispose of and exchange any interest and real or personal property;

(e) Perform all acts necessary or proper to accomplish the purposes of this chapter.

(f) Maintain and operate a garbage disposal site and facilities and fix and collect fees for the use thereof.

(g) Borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations.

(Added by Stats. 1951, Ch. 964.)

Article 5. Taxation

(Article 5 added by Stats. 1951, Ch. 964)

Estimate
of expenses

4181. The district board shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The county tax collector shall collect the district taxes at the same time and in the same manner as the county taxes are collected. All money collected for district purposes shall be paid into the county treasury and paid out on warrants of the county auditor drawn on the county treasurer, upon order of the district board. The amount of money necessary for the district's purposes may include a cash-basis fund.

(Added by Stats. 1951, Ch. 964.)

Tax levy

4182. The board of supervisors of the county in which the district is situated shall, at the time of levying county taxes, levy a tax to be known as the "_____ garbage and refuse disposal district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

(Added by Stats. 1951, Ch. 964; amended by Stats. 1957, Ch. 46.)

Maximum

4183. For the purposes of the district the board of supervisors shall levy a tax of not to exceed fifteen cents (\$.15) on each one hundred dollars (\$100) of taxable property of the district in the county.

(Added by Stats. 1951, Ch. 964.)

Cash-basis
fund

4184. The district board may establish and maintain a cash-basis fund for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such cash-basis fund shall not exceed 60 percent of the estimated expenditures for a fiscal year.

(Added by Stats. 1951, Ch. 964.)

4185. If a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board of supervisors may transfer funds of the county not immediately needed for county purposes to the district fund to be used for the payment of expenses of such district until such time as district tax receipts are available therefor. The board of supervisors shall include in the levy of taxes for the district for the fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions for the preceding fiscal years for which the levy of taxes was made for that purpose and the amount so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the tax levy.

Transfer of
county funds

(Added by Stats. 1951, Ch. 964.)

Article 5.5. Claims

(Article 5.5 added by Stats. 1959, Ch. 1727)

4185.1. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Claims

(Added by Stats. 1959, Ch. 1727.)

Article 6. Bonds

(Article 6 added by Stats. 1951, Ch. 964. See also Section 4186.30)

4186. No general obligation bonds shall be issued by the district unless the issuance thereof is approved by the electors of the district at a special election as provided in this article. If the district board finds that it is necessary to incur a bonded indebtedness to obtain funds with which to carry out the purposes of the district, it may submit the proposition to the voters of the district. For that purpose a special election shall be called by resolution.

General
obligation
bonds

Resolution
calling
election:

(Added by Stats. 1951, Ch. 964.)

4186.01. The resolution shall state all of the following:

Contents

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A general description of all property to be acquired or damaged and work to be executed through the expenditure of the funds secured by the issuance and sale of the bonds.

(c) An estimate of the cost of the proposed work.

(d) The amount of the bonds proposed to be issued.

(e) The number of years not to exceed which the whole of the bonds are to run.

(f) The rate of interest or a maximum rate of interest to be paid.

(g) The date of the election.

(h) The election precincts, polling places, and election officers.

(Added by Stats. 1951, Ch. 964.)

Consolidation
of precincts

4186.02. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

(Added by Stats. 1951, Ch. 964.)

Election
board

4186.03. An election board consisting of one inspector, one judge and one clerk shall be appointed by the district board for each precinct.

(Added by Stats. 1951, Ch. 964.)

Voters'
qualifications

4186.04. Only voters registered in the district are eligible to vote at the bond election.

(Added by Stats. 1951, Ch. 964.)

Publication
of resolution

4186.05. A resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

(Added by Stats. 1951, Ch. 964.)

Authoriza-
tion by vote

4186.06. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

(Added by Stats. 1951, Ch. 964.)

Validity

4186.07. The validity of the bonds after their issuance shall not be questioned in any court except on the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not regularly held or proper notice of it was not given.

(Added by Stats. 1951, Ch. 964.)

Form of
bonds

4186.08. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of the bonds issued shall not exceed 40 years.

(Added by Stats. 1951, Ch. 964.)

Denomina-
tion, etc., of
bonds

4186.09. The bonds shall be issued in such denominations as the district board determines, except that no bond shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

(Added by Stats. 1951, Ch. 964.)

4186.10. The bonds shall be signed by the chairman of the district board and countersigned by the county auditor, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the county auditor by his engraved or lithographed signature.

Execution
of bonds

(Added by Stats. 1951, Ch. 964.)

4186.11. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

Effect of
signature

(Added by Stats. 1951, Ch. 964.)

4186.12. The district board may issue and sell bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.

Sale price

(Added by Stats. 1951, Ch. 964.)

4186.13. All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the county treasurer.

Disposition
of pre-
miums, etc.

(Added by Stats. 1951, Ch. 964.)

4186.14. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Construction
fund

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon funds of the county.

(Added by Stats. 1951, Ch. 964.)

4186.15. If the proposition of issuing bonds submitted at the bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

Call for new
election

(Added by Stats. 1951, Ch. 964.)

4186.16. If bonds have been issued by the district and the proceeds of the sale have been expended and the district board by resolution passed by a vote of two-thirds of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the board may again submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All provisions of this chapter for the issuance and sale of bonds, and for the expenditure of proceeds, apply to the issuance of additional bonds.

Additional
bonds

(Added by Stats. 1951, Ch. 964.)

4186.17. Bonds and interest thereon shall be paid by revenue derived from an annual tax upon the property in the dis-

Payment of
bonds, etc.

trict, and all the property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

(Added by Stats. 1951, Ch. 964.)

Issue of
bonds
defined

4186.18. (a) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of the bonds so sold and delivered.

Division of
issue

(b) The district board of any district issuing bonds may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the district board separate and distinct from the time or times the payment of bonds of any other division or series of the same issue.

(Added by Stats. 1951, Ch. 964.)

Statement
of expenses

4186.19. Whenever a district has issued bonds, the district board shall include in its annual statement to the board of supervisors as to the amount of money needed for district purposes during the next ensuing fiscal year pursuant to Section 4181, it shall include, in addition thereto, the amount necessary to pay the interest and principal on such bonds as will become due before the time for making the next general tax levy.

(Added by Stats. 1951, Ch. 964.)

Same:
Failure to
include bond
payments

4186.20. If the district board fails to furnish to the board of supervisors a statement of the amount of money necessary to pay the principal and interest on the bonds as provided for in Section 4186.19, the board of supervisors of the county shall ascertain that amount and shall levy it and cause it to be collected.

(Added by Stats. 1951, Ch. 964.)

Payment
of bonds

4186.21. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereinafter provided by law for the principal and interest of the bonds of the county.

(Added by Stats. 1951, Ch. 964.)

Article 6. Revenue Bonds

(Article 6 added by Stats. 1951, Ch. 964. See also Section 4186)

Applicability
of certain
provisions

4186.30. A district formed pursuant to the provisions of this chapter is a local agency within the meaning of the Revenue Bond Law of 1941, and the provisions of that law are applicable to such a district.

(Added by Stats. 1951, Ch. 964; amended by Stats. 1959, Ch. 598.)

Article 7. Change of Boundaries
(Article 7 added by Stats. 1951, Ch. 964)

4187. The boundaries of any district may be altered, and outlying contiguous territory, whether incorporated or unincorporated, may be annexed as provided in this article.

Alteration of
boundaries

(Added by Stats. 1951, Ch. 964.)

4188. A petition signed by 50 or more freeholders in the territory proposed to be annexed, or by a majority of the freeholders if there are less than 100 within the portion proposed to be annexed, designating the boundaries of the territory proposed to be annexed and asking that it be annexed to the district, shall be presented to the board of supervisors.

Annexation
petition:

(Added by Stats. 1951, Ch. 964.)

4189. At its first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is one, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition.

Notice

Upon the date fixed for the hearing, or to which it may be continued, the board of supervisors shall consider the petition, and any objections which may be filed to the inclusion of any property in the district.

Hearing

(Added by Stats. 1951, Ch. 964.)

4190. The board of supervisors may by order entered on its minutes grant the petition either in whole or in part, and by order entered on its minutes alter the boundaries of the district to annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district, and from and after the making of the order, the territory is a part of the district, and shall be taxed, together with the remainder of the district, for all taxes to be thereafter levied by the board of supervisors for the operation and maintenance of the district.

Grant of
petition

(Added by Stats. 1951, Ch. 964.)

4191. No territory which will not be so benefited, or which is not described in the petition, shall be included in the district, and the board shall provide for public hearings for property owners petitioning said board for such hearing and upon proper presentation being made by property owners that property of their ownership is not benefited by the district the board thereupon shall exclude such property from the district.

Limitations

No city or portion thereof shall be annexed to the districts unless and until the governing body of the city has consented thereto, such consent being adopted by a favorable vote of two-thirds or more of the governing body.

No city or portion thereof shall be annexed to the district unless and until the governing body of the city has consented

thereto, such consent being adopted by a favorable vote of two-thirds or more of the governing body.

(Added by Stats. 1951, Ch. 964.)

Withdrawal
of territory

4192. Any portion of a district that will not be benefited by remaining in the district may be withdrawn therefrom by the same procedure as is provided for the annexation of territory.

(Added by Stats. 1951, Ch. 964.)

Same

4193. Upon the withdrawal of any territory from a district, all property acquired for the district shall remain vested in the district and be used for the purposes of the district; except, that if a city withdraws from the district, then that part of the money in the county treasury to the credit of the fund of the district shall be paid over to the city in accordance with the ratio that the territory of the city bears to the territory of the entire district. If the district subsequently sells all or a part of any garbage and refuse disposal site acquired by it when such withdrawn territory is a part of the district, a similar proportionate share shall be paid to the territory that has withdrawn from the territory.

(Added by Stats. 1951, Ch. 964.)

Article 8. Dissolution

(Article 8 added by Stats. 1951, Ch. 964)

Procedure

4194. A district may be dissolved by the board of supervisors as provided in this article.

(Added by Stats. 1951, Ch. 964.)

Petition

4195. Upon receiving a petition signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, requesting the dissolution of the district, the board of supervisors shall fix a time for the hearing of the petition, which shall not be less than 10 nor more than 30 days after the receipt of the petition, and shall, at least a week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper circulated in the district.

(Added by Stats. 1951, Ch. 964.)

Hearing

4196. At the time appointed for the hearing or at any time to which it may be continued, the board of supervisors shall hear and pass upon the petition and may grant or deny it, and its decision thereon is final and conclusive.

(Added by Stats. 1951, Ch. 964.)

Resolution

4197. If the petition is granted, the board of supervisors shall by resolution order the dissolution of the district and the district is then dissolved, and its remaining real and personal property shall be sold by the county at public auction to the highest bidder. The proceeds from the sale of such property shall be paid over to the public agencies within the district in accordance with the ratio that the territory of each such public agency within the district bears to the territory of the entire district.

(Added by Stats. 1951, Ch. 964.)

Disposal of
property

CHAPTER 2. FRANCHISE BY COUNTIES

4200. Every franchise or privilege for the collection, disposal or destruction, or any combination thereof, of garbage, waste, offal, and debris, shall be granted by the board of supervisors of any county only under the terms and conditions of this chapter. Franchises,
etc.

(Amended by Stats. 1955, Ch. 928.)

4201. Any county may, by resolution of the board of supervisors, call for bids for the granting of a franchise, exclusive or otherwise, for the collection, disposal or destruction, or any combination thereof, of garbage, waste, offal, and debris, according to the terms and conditions set forth in the resolution, for a period of time not to exceed 25 years. Call for bids

Thereafter the board of supervisors shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in the resolution and the time, date, and place for the receiving and opening of sealed bids which shall not be sooner than four full weeks from date of the first publication of the notice. Notice

Upon examination by the board of supervisors of the bids, the franchise may be awarded to the lowest qualified bidder. The board of supervisors may postpone the granting of the franchise from time to time until it has had a full and complete opportunity to examine into the merits of each bid. Award
Postpone-
ment

(Amended by Stats. 1955, Ch. 928, and by Stats. 1957, Ch. 672.)

4202. The successful bidder shall file with the board of supervisors, upon grant of the franchise, a bond in favor of the county in an amount and under such terms and conditions as may be prescribed by the board of supervisors. Bond

4203. The county may, in the resolution and advertised notice, impose terms and conditions other than those mentioned in this chapter so long as they are not in conflict with the provisions of this chapter. Additional
terms and
conditions

4204. A bidder may in his franchise bid set forth such propositions, terms, and conditions as he may desire to offer, or receive the benefit from, which may be in addition to, or in conflict with, those mentioned in the resolution or advertised notice calling for bids, so long as they are not in conflict with the provisions of this chapter. Conditions,
etc., in bid

CHAPTER 2.5. CITY GARBAGE DISPOSAL CONTRACTS

(Chapter 2.5 added by Stats. 1949, Ch. 860)

4250. The legislative body of any incorporated city may contract for the collection or disposal, or both, of garbage, waste, refuse, rubbish, offal, trimmings or other refuse matter under such terms and conditions as may be prescribed by the legislative body of any such city by resolution or ordinance. Authority to
contract

(Added by Stats. 1949, Ch. 860.)

CHAPTER 2.6. GARBAGE AND REFUSE DUMPS
(Chapter 2.6 added by Stats. 1957, Ch. 2423)

Consent of
governing
bodies

4260. No city, county, district, or public or municipal corporation shall acquire and operate or cause to be acquired and operated a dump or site for the disposal of garbage or refuse, or transfer station or collection point for garbage or refuse, within a city without the consent of the city council, or within the unincorporated area of a county without the consent of the board of supervisors.

(Added by Stats. 1957, Ch. 2423.)

CHAPTER 3. FUMES ESCAPING FROM BURNING GARBAGE

Article 1. Cremation of Refuse, Generally

Application
of article

4300. No person shall operate in any city, city and county, or town any crematory for the destruction by fire heat of garbage, ashes, offal, or other refuse matter, except as provided in this chapter.

Contami-
nation of
atmosphere

4301. No such crematory shall be operated in this State except in such a manner as will prevent the propagation of disease through contamination of the atmosphere of any city, city and county, or town by the gases or fumes arising from the fires or ovens of the crematory.

Penalty

4302. Every person who burns by fire heat or destroys by cremation any garbage, ashes, offal, or other refuse matter, in violation of the provisions of this article is guilty of a misdemeanor.

Article 2. Cremation of Animal Refuse

Approval of
incinerator

4303. Every person who destroys or who attempts to destroy the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop by fire within one-fourth of a mile of any city, town, or village, except in a crematory, the construction and operation of which is satisfactory to the board of health of the city or the health officer of the town, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

CHAPTER 4. POLLUTION OF WATERS AND PUBLIC PLACES

Article 1. Navigable Waters

"Garbage"

4400. For the purpose of this article the term "garbage" includes any or all of the following:

- (a) Garbage.
- (b) Swill.
- (c) Refuse.
- (d) Cans.
- (e) Bottles.

(f) Paper.

(g) Vegetable matter.

(h) Carcass of any dead animal.

(i) Offal from any slaughter pen or butcher shop.

(j) Trash.

(k) Rubbish.

4401. Every person who places, deposits, or dumps any garbage in or upon the navigable waters of this State, or who places, deposits, or loads it upon any vessel, with intent that it shall be dumped or deposited in or upon the navigable waters of this State, or at any point in the ocean within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

Garbage in
navigable
waters

4402. Every person in charge of any vessel who permits it to be loaded with any garbage with intent that it shall be dumped or deposited from the vessel in or upon any of the navigable waters of this State, or at any point in the ocean, within 20 miles of any point on the coast line of the State, is guilty of a misdemeanor.

Loading
garbage

4403. A vessel upon which any garbage has been loaded with the intent that it shall be dumped or deposited upon any of the waters of the ocean where permitted by this article, shall not leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Department of Public Health, or where the point of departure is in a city, then by the city. The inspector shall enforce the provisions of this article.

Inspector

Every person in charge of a vessel which is required to have an inspector on board by this article, and which does not carry an inspector during the entire trip, is guilty of a misdemeanor.

4404. This article shall not be construed to affect the discharge of any sewer system.

Sewer
systems

Article 2. Water Supply

4450. No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

Contami-
nation of
water

4451. No person shall put any water closet, privy, cesspool or septic tank, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in such a manner that the drainage of the water closet, privy, cesspool or septic tank, or carcass, or offal may be taken up by or in the water.

Contamina-
tion of
water supply

(Amended by Stats. 1949, Ch. 1550.)

4452. No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, in such a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass,

Drainage
into water
supply

or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

(Amended by Stats. 1949, Ch. 1550.)

Contami-
nation of
water by
livestock

4453. No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corraled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, in such a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this State.

Contami-
nation of
water supply
by livestock

4454. No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this State.

Bathing in
water supply

4455. No person shall bathe, except as permitted by law, in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

Grazing of
livestock

4455.5. Nothing in this article shall be held to prevent the grazing of livestock in areas embracing any stream or watershed where such grazing would not tend to render such waters unwholesome or injurious to the public health.

(Added by Stats. 1945, Ch. 698.)

Washing
clothes in
water supply

4456. Every person who washes clothes in any spring, stream, river, lake, reservoir, well, or other waters which are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, county, or town, of this State, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days, or a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by both such fine and imprisonment.

Each day's violation of this section is a separate offense.

Penalty

4457. Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the State Department of Public Health for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor.

Sewer well:

4458. No person shall construct, maintain or use any sewer well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes.

Definition

"Sewer well" as used in this section includes all of the following:

(a) Any hole dug or drilled into the ground, and intended for use as a water supply, which has been abandoned and is being used for the disposal of sewage.

(b) Any hole dug or drilled into the ground, used or intended to be used for the disposal of sewage.

(Added by Stats. 1949, Ch. 1550.)

4459. It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of such owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day.

(Added by Stats. 1949, Ch. 1550.)

4460. Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the state department.

(Added by Stats. 1949, Ch. 1550.)

4461. Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such.

(Added by Stats. 1949, Ch. 1550.)

4462. A city, city and county, district or other public agency, owning or operating a reservoir used for domestic or drinking water purposes, may open to public fishing all or any part of the reservoir and its surrounding land.

(Added by Stats. 1957, Ch. 2413.)

4463. Before the reservoir and its surrounding land are opened to public fishing the public agency owning or operating the reservoir shall determine that such public fishing will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir, and shall obtain from the State Board of Public Health a valid water supply permit setting forth the terms and conditions upon which public fishing may be conducted in the reservoir and on its surrounding land.

(Added by Stats. 1957, Ch. 2413.)

4464. Public fishing shall not be conducted in a reservoir or on its surrounding land if the reservoir is used as a regulating reservoir to meet daily or peak consumption demands and as a terminal reservoir to a water collecting facility and as a distribution reservoir from which water may be supplied for drinking or domestic purposes without full purification treatment after withdrawal from the reservoir.

(Added by Stats. 1957, Ch. 2413.)

4465. The public agency owning or operating the reservoir may establish and collect fees, including charges for motor vehicle parking, for the construction and operation of structures, facilities and equipment and the operation and use of

the reservoir and its surrounding lands for public fishing. The public agency may contract with any agency or department of the Federal Government or the State, with other public agencies or with private individuals for the construction, operation and use of structures, facilities and equipment and the performance of services necessary or convenient to public fishing in the reservoir and on its surrounding land, including the rental, lease or permission to use portions of the reservoir and its surrounding lands for structures, facilities and equipment necessary or convenient for the use of the public. The public agency may establish and enforce all rules and regulations necessary or convenient to the conducting of public fishing on the reservoir and its surrounding land and for the control, operation and protection of the reservoir, its surrounding land and all structures, facilities and equipment in connection with the reservoir.

Rules and regulations:

(Added by Stats. 1957, Ch. 2413.)

Posting

4466. The public agency shall cause a copy of such rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which such reservoir is in whole or in part situated, if there be such a newspaper, otherwise in a newspaper of general circulation published within the area of such public agency. Such posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk or corresponding officer of the public agency that such rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk or corresponding officer of the public agency shall be prima facie evidence that the rules and regulations have been made by the public agency as provided by law.

Publication

(Added by Stats. 1957, Ch. 2413.)

Violations

4467. Any violation of any such rule or regulation lawfully made by the public agency is a misdemeanor. Any judge of a justice court within any judicial district within which such reservoir lies in whole or in part, or any municipal court within such district, shall have jurisdiction of all prosecutions for violations of any such rules and regulations adopted by the public agency.

(Added by Stats. 1957, Ch. 2413.)

Exemptions

4468. The provisions of Sections 4462 to 4467, inclusive, shall not apply to reservoirs used for domestic or drinking water purposes which are open to fishing or recreational uses on September 11, 1957, or which have been open to fishing or recreational uses prior to that date.

(Added by Stats. 1957, Ch. 2413.)

Article 2.5. Additional Water Supply Provisions

(Article 2.5 added by Stats. 1959, Ch. 493)

4470. "Governmental agency," as used in this article, includes a city, city and county, and district, but does not include a chartered city or city and county. Definitions

"Body of water" means a reservoir or lake.

"Owned" means owned or controlled.

(Added by Stats. 1959, Ch. 493.)

4470.1. The board of supervisors of any county wherein is located a body of water owned by a governmental agency, which is used to supply water for human consumption may by resolution request the governmental agency owning the body of water to open the body of water to public fishing and the surrounding land area for other recreational use. The governmental agency owning the body of water shall thereupon make and file with said board of supervisors an estimate of the cost of preparing a co-ordinated plan for public fishing in said body of water and other recreational uses in the surrounding land area. Said board of supervisors thereupon may deposit with the governmental agency owning said body of water the amount of such estimate not exceeding two thousand five hundred dollars (\$2,500), and the governmental agency owning said body of water thereupon shall proceed promptly with and complete such co-ordinated plan. In event the cost of preparing such plan shall be less than the amount deposited by said board of supervisors, the excess shall be repaid by the governmental agency owning the body of water to the board of supervisors which made such deposit. Such plan may provide for development of the area by stages and may exclude from public access structures, facilities or works of the agency necessary in supplying water for human consumption and such portions of the body of water and surrounding land area as may be reasonably required for the protection, maintenance or operation of such structures, facilities or works. Such plan may exclude such portions of the surrounding area as are unsuitable for public recreational use. The co-ordinated plan may also include an estimate of the cost of the capital improvements necessary or convenient for such public fishing and recreational uses, an estimate of the annual cost of maintenance and operation of the plan, and a recommendation as to the manner in which the plan may be financed. Fishing and recreational use

After completion of the co-ordinated plan the governmental agency shall promptly make application to the State Department of Public Health for an amendment to its water supply permit, which would allow the opening of the body of water to public fishing and the surrounding land area for other recreational use pursuant to the co-ordinated plan.

(Added by Stats. 1959, Ch. 493.)

Vote

4470.2. Upon receipt of the amended permit, if the agency does not allow such use, it shall call for a vote of its constituents at the next statewide primary election or general election, or if the agency is a municipal corporation at the next general municipal election, to determine whether or not such use shall be allowed and if a majority vote is in favor the public agency shall allow public fishing in the body of water and other recreational uses in the surrounding area in compliance with the amended permit.

(Added by Stats. 1959, Ch. 493.)

Exception

4470.3. Nothing herein contained shall permit or require fishing or other recreational uses in a secondary reservoir from which water is supplied for domestic use without purification treatment after withdrawal from said reservoir.

(Added by Stats. 1959, Ch. 493.)

Ballot

4470.4. The ballot for the election authorized by Section 4470.2 shall contain such instructions required by law to be printed thereon and in addition thereto the following:

Shall the (insert name of governmental agency) allow fishing in the (name of body of water) and other recreational uses in the surrounding area subject to the regulations of the State Department of Public Health?	YES	
	NO	

If the governmental agency concludes that a bond issue is required to pay for the capital improvements included in the co-ordinated plan as approved by the amended permit, there shall also be printed on the ballot, immediately following the ballot proposition aforesaid, the following proposition to be voted on by the constituents of the governmental agency:

Shall the (insert name of governmental agency) incur a bonded indebtedness in the principal amount of \$_____ for providing the capital improvements for fishing in the (name of body of water) and other recreational uses in the surrounding land area, subject to the regulations of the State Department of Public Health?	YES	
	NO	

(Added by Stats. 1959, Ch. 493.)

Fees

4471. The governmental agency owning the body of water may fix and collect fees, including charges for motor vehicle parking, for the construction of facilities, operation, and use of the area opened for public fishing and other recreational uses. Such governmental agency shall have the power to contract with others for the rendering of any or all of the services required in connection with the operation of the area including the right to rent or lease the whole or any part of the area to provide necessary or convenient facilities for the use of the public. Such governmental agency shall have the

Contracts

power to make and enforce rules and regulations which it may find necessary or convenient for proper control of the areas opened to public fishing and other recreational uses. The State Department of Public Health shall make recurring inspections of all recreational areas approved under this article to insure the continued purity of drinking water. Rules and regulations

(Added by Stats. 1959, Ch. 493.)

4471.1. The governmental agency shall cause a copy of the rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which the reservoir is in whole or in part situated, if there be such a newspaper, otherwise in a newspaper of general circulation published within the area of the governmental agency. Such posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk, or corresponding officer of the governmental agency that the rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk, or corresponding officer of the governmental agency shall be prima facie evidence that the rules and regulations have been made by the governmental agency as provided by law. Same: Posting

(Added by Stats. 1959, Ch. 493.)

4471.2. As far as possible the development and operation of the recreational uses authorized by this article shall be financed out of the revenues authorized by this article; provided, however, that the governmental agency owning the body of water is not required to fix fees which are unreasonably high and in its discretion may make use of any means of financing which it is otherwise authorized to use for any purpose. Financing

(Added by Stats. 1959, Ch. 493.)

4471.3. Any violation of any such rule or regulation lawfully made by the governmental agency is a misdemeanor. Any judge of a justice court within any judicial district within which such reservoir lies in whole or in part, or any municipal court which may be established within such district, shall have jurisdiction of all prosecutions for violations of any such rules and regulations adopted by the governmental agency. Violations

(Added by Stats. 1959, Ch. 493.)

4471.4. Notwithstanding any other provision of law, the Department of Fish and Game may stock with fish any body of water opened to public fishing pursuant to this article. Stocking with fish

(Added by Stats. 1959, Ch. 493.)

Article 3. Public Places

4475. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in Contamination of public places

or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 535, by Stats. 1945, Ch. 1015, and by Stats. 1949, Ch. 1550.)

Article 4. Punishment for Violations, Generally

Penalty

4485. Violation of any provision of this chapter is a misdemeanor.

(Amended by Stats. 1939, Ch. 535.)

PART 3. SEWERS

CHAPTER 1. MUNICIPAL SEWER DISTRICTS, ACT OF 1911

Article 1. Definitions and General Provisions

"District"

4600. "District," as used in this chapter, means any district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Sewer"

4601. "Sewer," as used in this chapter, means any and all sewers or sewage collection, treatment or disposal facilities for sanitary or drainage purposes, including any and all lateral and connecting sewers, interceptors, trunk and outfall lines and sanitary sewage treatment or disposal plants or works, and any and all drains, conduits, and outlets for surface or storm waters, and any and all other works, property or structures necessary or convenient for the collection or disposal of sewage, industrial waste, or surface or storm waters.

(Amended by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956.)

Scope and
effect of
chapter

4602. This chapter does not affect any other law under which sewer work or improvement may be done within or by any city but it provides an alternate system of proceedings for sewer work and improvements. The governing body of any city may proceed in making improvements either under this chapter, or under any other law. But when any proceedings are commenced under this chapter its provisions and such amendments as may hereafter be adopted, shall thereafter apply to all work done under those proceedings until completion.

If, after sewer work or improvement has been done or sewers acquired under this chapter the governing body of any city corporation deems it necessary or convenient to construct or acquire any additional sewer or sewers, the governing body may proceed to make improvement either under this chapter or under any other appropriate law.

Article 2. Formation

Formation

4605. The governing body of any city may create from time to time in the city separate sewer districts whenever

in its judgment the districts are necessary or convenient for proper sanitation and drainage.

4606. Districts may be formed to construct or acquire sewers and to provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers. Purpose

4607. Whenever the governing body of a city determines that the public interest or convenience requires the construction, or acquisition by purchase or otherwise, of sewers in any part of the territory of the city, it shall pass a resolution to that effect. Resolution of
intention

4608. The resolution shall be passed by a vote of two-thirds of all its members and be approved by the mayor. Vote

4609. The resolution shall:

Contents of
resolution

(a) Describe the boundaries of the proposed district.

(b) Designate the district by a distinctive name and number.

(c) Declare the district to be the district benefited by the work, or improvement, or acquisition of the sewer.

(d) Name a time and place for the hearing of objections by any person interested in the formation of the district or in the inclusion within the district of any land within the boundaries described in the resolution.

(Amended by Stats. 1939, Ch. 1124.)

4610. The resolution, together with the names of the members of the governing body, voting for and against it and the name of the mayor approving it shall be published for at least two weeks successively next before the day fixed for the hearing in a newspaper of general circulation printed and published in the city. Publication

4611. On the day fixed for the hearing, or any day to which the hearing is adjourned, the governing body shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the governing body that the public interest requires the formation of the district, the governing body shall proceed to fix and determine its boundaries. At the hearing, the governing body may exclude from the district any territory that in its opinion would not be benefited by being in the district. The governing body shall not modify the boundaries of the proposed district so as to exclude therefrom any land which would be benefited by the formation of the district, nor shall there be included in the proposed district any lands which will not in the judgment of the governing body be benefited. Hearing

Exclusion
of territory

(Amended by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956.)

4612. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the governing body shall establish the district, and fix and determine its boundaries. This resolution, together with the names of the members of the governing body voting for and Resolution
establishing
district

against the resolution and the name of the mayor approving it shall be spread upon the minutes of the governing body.

Article 2a. Formation of Districts in Two or More Municipal Corporations and Also in Unincorporated Territory

(Article 2a added by Stats. 1956 (Ex. Sess.), Ch. 8.

In effect April 5, 1956)

Formation: 4614.1. Districts may be formed under this article for the
Purposes purpose of providing sanitary sewer systems, including outfall, intercepting and connecting sewer lines, laterals and house connections, treatment plant and disposal facilities of any type or character and also for the purpose of providing storm water drainage and flood control systems, including drains, conduits, pipelines, culverts, embankments and other works necessary or convenient for storm water drainage and flood control works. Any two or more such purposes may be consolidated as a single project and submitted to the electors at any bond election held therein as a single proposition.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Proceedings: 4614.2. Any municipality may initiate proceedings for the formation of a district pursuant to this article whenever in the judgment of the governing body of such city it is deemed desirable that a district be organized hereunder. The governing body of the initiating city shall by a resolution set forth (a) that the public interest and necessity require that a district be so organized, (b) a general description of the area of the proposed district, (c) a general description of the improvement deemed desirable, and (d) a general estimate of the cost of the proposed work. The district may be described by reference to a map on file in the office of the clerk of the governing body and it shall not be necessary to set forth a metes and bounds description thereof. A general description of the proposed improvements shall be sufficient and it shall not be necessary to prepare detailed plans and specifications of the work to be done. The estimate of cost may include an estimate of all expenses to be incurred in connection with the formation of the district, including all incidental expenses of financing the proposed work, but neither the cost of physical construction nor the incidental expense need be itemized. The foregoing findings of the governing body of the initiating municipality shall be expressed in a resolution of public interest and necessity adopted by two-thirds vote of all members of the governing body.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Territory of other incorporated city or cities included 4614.3. If the proposed district includes the whole or any part of any other incorporated city or cities, the governing body of the initiating city shall file with the governing body of such other city or cities a certified copy of its resolution of

public interest and necessity together with a request that the governing body of such other city or cities consent to the formation of such district. No further proceedings shall be taken by the initiating city unless the governing body of the city or cities, any part of which is proposed to be included in the district, by resolution, consents and agrees to the formation of the district.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.4. If any part of the district includes any unincorporated territory of the county, the governing body of the initiating city shall file with the board of supervisors of the county in which such unincorporated territory is situated, a certified copy of its resolution of public interest and necessity. No further proceedings shall be taken by the governing body of the initiating city unless the board of supervisors of the county in which such unincorporated territory is located, by resolution, consents and agrees to the formation of the district which will include such unincorporated territory within its boundaries.

Unincorporated
territory

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.5. Whenever the governing body of any city in which the whole or any part of the district to be organized lies and, if the district includes any unincorporated territory, the board of supervisors of the county in which any part of the unincorporated area proposed to be included within the district lies, agree and consent to the formation of the district, then from and after the filing of such resolutions of concurrence with the governing body of the initiating city, the governing body of the initiating city shall be vested with full jurisdiction to proceed hereunder. From and after the filing with the governing body of the initiating city of all necessary concurring resolutions of the governing body of any city or of the board of supervisors of the county, as the case may be, the governing body of the initiating city shall have the sole and exclusive jurisdiction to proceed with the formation of the district to conduct all hearings on the formation of the district to consent or permit or cause all necessary changes to be made in the boundaries of the proposed district and to conduct all proceedings on the formation of the district with like force and effect as though such district were wholly within the boundaries of the initiating city.

Jurisdiction
of governing
body

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.6. Upon acquiring jurisdiction to proceed, the governing body of the initiating city shall adopt a resolution of intention to organize the district. Such resolution shall (a) describe the boundaries of the proposed district, which may be by reference to a map on file in the office of the city clerk, (b) state the general purpose of the formation of the district

Resolution of
intention:

Contents

by describing briefly and generally the proposed work to be done, (c) declare that the district and all lands therein will be benefited in the opinion of the governing body of the initiating city by the work proposed to be done, and (d) name a time and place for the hearing of objections by any person interested in the formation of the district or in the inclusion of any land within the boundaries of the proposed district.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Publication

4614.7. The resolution of intention of the governing body of the initiating city shall be published once a week for at least two weeks before the day fixed for the hearing in a newspaper designated by the governing body of the initiating city as being the newspaper deemed by such governing body most likely to give notice to all interested persons. Such publication may be made in a daily or weekly newspaper and need not be on the same day of each week. The first publication shall be not more than sixty (60) nor less than twenty (20) days prior to the date fixed for the hearing.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Posting

4614.8. Copies of the resolution of intention of the governing body of the initiating city shall be posted in three (3) public places within the district as fixed and determined by the governing body of the initiating city. Such posting shall be made at least twenty (20) days prior to the date fixed for the hearing.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Hearing

4614.9. On the day fixed for the hearing, the governing body of the initiating city shall hear and determine any and all objections presented to the formation of the district or to the inclusion of any lands within the district. Such hearing may be adjourned from time to time by public announcement and no further notice of such adjourned hearing need be given by publication or posting or otherwise. Any person interested, including all owners of property within the proposed district, may appear in person or by representative, and be heard. At the hearing the governing body shall consider all objections, oral or in writing, to the formation of the district, the work to be done or otherwise, and may exclude any area which, in the opinion of the governing body, will not be benefited by the formation of the district. The governing body of the initiating city may also permit the inclusion of additional lands within the district if in the opinion of the governing body such additional lands will be benefited; provided, that such additional lands shall not be included except upon petition of the owners of the land desiring such inclusion within the district.

Inclusion of
additional
lands

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.10. Upon the final hearing and after making all necessary and proper changes in the boundaries of the district, the governing body of the initiating city by resolution passed by two-thirds vote of its members shall establish the district and fix and determine its boundaries. Such boundaries shall be described by metes and bounds sufficient to identify the same for purposes of taxation. The resolution establishing the district shall be recorded in the office of the county recorder, and copies thereof certified by the clerk of the governing body of the initiating city, together with a map or plat showing such boundaries, shall be filed with the county assessor, the county clerk and the State Board of Equalization. From and after such filing, the district shall be deemed organized. No action or proceeding contesting the validity of the district or its organization shall be had or taken in any court, state or federal, unless the same is commenced within sixty (60) days from and after the date of the recordation of the resolution establishing the district in the office of the county recorder.

Establish-
ment and
boundaries

Contesting
action

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.11. From and after the formation of any district formed under this Article 2a, the governing body of the initiating city shall be the governing board of the district and shall have full power and authority to conduct all of the affairs of the district, to call and hold bond elections therein, to construct all improvements therein, to cause taxes to be levied and collected upon all taxable property in said district, and to pass such necessary legislation as may be required for proper sanitation, sewage and flood control purposes, with the same force and effect as though all of the area in the district were included within the boundaries of the initiating city.

Governing
board
powers

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.12. From and after the formation of the district, the governing body of the initiating city may call and hold elections for the issuance of bonds by the district as provided in Article 3 hereof. If bonds are authorized, the work to be done shall be performed as provided in this chapter.

Bond
elections

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

4614.13. In the event bonds are authorized and issued on behalf of any district organized under this Article 2a, the governing body of the initiating city shall on or before the fifteenth day of July of each year certify to the board of supervisors of the county in which the district is located, the amount to be raised for the payment of the principal of and interest on the bonds. It shall be the duty of the county auditor to estimate and determine the rate of taxation for the payment of principal and interest of the bonds which will become due during the next succeeding year, or which the legislative body of the initiating city believes will become due during the next year on bonds authorized but not sold. The county auditor

Bond prin-
cipal and
interest tax

shall compute and enter in a separate column in the county assessment roll the respective sums to be paid as the district tax on the taxable property in the district. The board of supervisors of the county in which the district is located shall at the time of fixing the general county tax levy and in the manner provided therefor levy and collect each year upon all of the taxable property in the district a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as will become due before the time of fixing the next general county tax levy. The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected and when collected shall be paid to the county treasurer who shall forthwith remit the same to the city treasurer of the initiating city. The taxes are a lien on all property in the district and shall be of the same force and effect as the lien for county taxes and their collection shall be enforced by the same means as provided for the enforcement of the lien of county taxes. The city treasurer of the initiating city shall hold such taxes in trust, separate and apart from all other city funds and use and apply the same solely to the payment of bond principal and interest.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Maintenance
and opera-
tion tax

4614.14. The governing body of the initiating city may cause to be levied and collected an annual tax not to exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of assessed valuation in the district for each year for the payment of the costs of maintenance and operation of the properties of the district and the costs of formation and other administrative expenses, including, but not limited to, the cost of clearing or otherwise improving and repairing existing natural or artificial facilities, costs of preparation of plans and of engineering reports, attorneys' fees and the repayment of the initiating city for any such expenses it has incurred. The governing body of the initiating city shall on or before July 15th of each year certify to the board of supervisors of the county in which the district is located the amount of such costs required to be raised by taxes for the then fiscal year. It shall be the duty of the board of supervisors to levy and collect taxes upon the taxable property in the district sufficient to raise the amount so certified and it shall be the duty of the county auditor to compute the rate of taxation required to raise such sum. Such annual tax shall be levied and collected in the same manner as district bond principal and interest taxes are levied and collected, and when collected shall be paid by the county treasurer to the city treasurer of the initiating city and shall be used and applied solely for the payment of costs pursuant to this section.

(Added by Stats. 1956 (Ex. Sess.), Ch. 8; amended by Stats. 1959, Ch. 1932.)

4614.15. Nothing herein contained shall prevent two or more cities or the board of supervisors of any county from entering into cooperation agreements for the joint acquisition, construction or use of joint sanitary sewage facilities, flood control works and storm water drainage systems.

Cooperative
agreements

(Added by Stats. 1956 (Ex. Sess.), Ch. 8. In effect April 5, 1956.)

Article 3. Issuance of Bonds

4615. At any meeting after the passage and recording of the resolution, by ordinance passed by a vote of two-thirds of all its members and approved by the mayor, the governing body may:

Purpose of
bond issue

(a) Adopt plans and specifications for the proposed sewer work, if to be constructed.

(b) Describe the territorial district upon which the expense of the proposed sewer work, improvement, or acquisition, shall be chargeable.

(c) Provide for a special election to be held in the district.

(Amended by Stats. 1953, Ch. 510.)

4616. The ordinance calling the special election shall:

Contents of
ordinance

(a) Recite the objects and purposes for which the indebtedness is to be incurred.

(b) State the estimated cost of the proposed sewer work or improvement, or sewer system to be acquired.

(c) State the amount of the principal of the indebtedness to be incurred.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

(Amended by Stats. 1939, Ch. 1124.)

4617. In all particulars not recited in the ordinance, the election shall be held as is provided by law for holding general elections in the district. At the election the measure of incurring indebtedness for the purposes set forth in the ordinance shall be submitted to the voters of the district.

Election

(Amended by Stats. 1953, Ch. 510, and by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956.)

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be 6 per centum per annum, and shall, after the first principal maturity, be payable semiannually.

Interest
rate

Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes. In such event the first interest coupons shall be for interest from the date of said bonds to the maturity date of said coupons.

Bonds pay-
able subse-
quent to
second
installment
of taxes

(Amended by Stats. 1951, Ch. 1648.)

Publication	<p>4619. The ordinance shall be published once a day for five days prior to the date set for the election, in a daily newspaper of general circulation printed and published in the city or, if none, it shall be published once a week for two successive weeks prior to the date set for the election in a weekly or semiweekly newspaper of general circulation, printed and published in the city.</p>
Posting	<p>In cities where no newspaper is published, the ordinance shall be posted in three public places in the district for two successive weeks prior to the date set for the election. No other notice of the election need be given.</p>
Election	<p>4620. If two-thirds of the votes cast are in favor of the issuance of the bonds, the bonds may be issued and the indebtedness incurred.</p> <p>If less than two-thirds of the votes cast are in favor of the issuance of the bonds, the governing body of the city shall not within six months after the election pass any ordinance calling another election for incurring any indebtedness for sewer work within that district or in any district which has within its boundaries any of the territory of that district.</p>
Issue and payment	<p>4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, and shall be payable in the manner determined by the city governing body, at a place within the United States, to be fixed by the governing body and designated in the bonds, together with the interest on all sums unpaid at that date, until the whole of the indebtedness has been paid. The governing body may divide the principal amount of any issue of bonds into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The final maturity date of any issue of bonds, or of any series, shall not exceed 40 years from the date of such bonds, or the date of such series thereof.</p> <p>(Amended by Stats. 1951, Ch. 1648, and by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956.)</p>
Denominations	<p>4622. The bonds shall be issued in such denominations as the governing body determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000).</p>
Signatures	<p>The bonds shall be signed by the mayor, or by such other officer of the city as shall be designated for that purpose by the governing body by resolution adopted by a two-thirds vote of all its members, and shall also be signed by the city treasurer and countersigned by the city clerk or a deputy clerk.</p>
Coupons	<p>The coupons of the bonds shall be numbered consecutively and signed by the treasurer.</p>
Lithographing, etc.	<p>All signatures and countersignatures on the bonds and coupons, except that of the clerk or his deputy, may be printed, lithographed or engraved.</p>

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid and sufficient for all purposes, as if he had remained in office. Effect of signature

(Amended by Stats. 1951, Ch. 1648, and by Stats. 1956 (Ex. Sess.), Ch. 12. In effect April 13, 1956.)

4623. The governing body of the city in which the district has been created may issue and sell the bonds at not less than their par value, and the proceeds of the sale shall be placed in the city treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects specified in the ordinance calling the election. Proceeds

4624. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. Determination of validity

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act. Judgment

(Added by Stats. 1951, Ch. 1648.)

4625. In determining the amount of bonds to be issued, the legislative body may include: Determination of amount

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 4. Performance of Work

4627. Before the governing body awards contracts for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued under this chapter, it shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of the governing body. The notice shall invite sealed bids for doing the sewer work or improvement. The governing body shall also cause notice of the proposed work and invitations to bid referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, Notice for bids

- semiweekly, or weekly newspaper if there is one published and circulated in the city. If none, the posting is sufficient.
- Form of bid** 4628. All bids offered shall be accompanied by a check, payable to the order of the mayor, certified by a responsible bank for an amount which shall be not less than 10 per cent of the aggregate of the bid, or by a bond for that amount and so payable, signed by the bidder, and by two sureties who shall justify before an officer competent to administer an oath, in double the amount of the bond, over and above all statutory exemptions.
- Examination of bids** 4629. The bids shall be delivered to the clerk of the governing body, and the governing body shall in open session examine and publicly declare them. It may reject any or all bids if it deems this for the public good, and shall reject all bids other than the lowest bid of any responsible bidder, and may award the contract for the work or improvement to the lowest responsible bidder at the price named in his bid, if the award is approved by the mayor, or is made by a three-fourths vote of the governing body.
- Rejection of bids** 4630. If an award is not approved by the mayor or made by a three-fourths vote of the governing body, without further proceedings the governing body may readvertise for bids for the performance of the work as in the first instance, and thereafter again proceed pursuant to this article. The checks and bonds furnished in connection with the bid so rejected shall be returned.
- Security** 4631. The check or bond accompanying an accepted bid shall be held by the clerk of the city until the contract for doing the work has been entered into by the successful bidder. If any bidder fails, neglects, or refuses to enter into the contract to perform the work within 10 days after the contract has been awarded to him, the certified check accompanying his bid and the amount for which it is drawn is forfeited to the city.
- Performance bonds** 4632. The governing body may require such bonds as it deems adequate from bidders to whom contracts for the work or improvement are awarded, to insure the faithful performance of the contracts.
- Officer acting on behalf of city** 4633. The governing body may designate any city officer, in his official capacity, to make all written contracts and receive all bonds authorized by this article, and to fix the time for the commencement, which shall not be more than 15 days from the date of the contract, and for the completion of the work under all contracts entered into by him. All work shall be prosecuted with diligence from day to day until completion. He may extend the time so fixed from time to time under the direction of the governing body.
- City doing work directly** 4634. Instead of letting contracts for the work, the city may itself construct or complete the sewer or improvement, and buy the necessary materials, and employ the necessary labor.

4635. In any city operating under a charter framed under Section 8, Article XI of the Constitution and providing for a board or department of public works, all the things required to be done and performed by the governing body of the city in connection with the letting of contracts for, or the performance of the work of the district shall be done and performed by the board or department of public works of the city, and if the charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials, or supplies for the construction or completion of public works or improvements, all contracts for the construction or completion of sewer work or improvements shall be let and entered into in conformity with the provisions of the charter.

Chartered
city

4636. The governing body of each city in which sewer work or improvement is being made or acquired under this chapter shall make all needful rules and regulations for carrying out and maintaining the sewer work or improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the sewers. However, in any city operating under a charter framed under Section 8 of Article XI of the Constitution of the State and having a board or department of public works, the powers and duties of the governing body stated in this section shall be exercised and performed by the city board or department of public works.

Rules and
regulations
for work

Chartered
city

4636.7. The provisions of the act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnished materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, are applicable to contracts for sewer work or improvements awarded by the governing body.

Mechanics'
and material-
men's
liens

(Added by Stats. 1939, Ch. 1124.)

4636.8. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in

Contracts
with gov-
ernmental
agencies
re joint
facilities

such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

Article 5. Taxation and Finances

Bond tax

4638. Until the bonds are paid, or until there is a sum in the city treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the bonds, the city governing body shall, at the time of fixing, and in the manner provided for the general tax levy, levy and collect each year upon the property situated in the district, and upon that property only, a tax sufficient to pay the annual interest on the bonds, and also such part of the principal as will become due before the time for fixing the next

Sinking fund

general tax levy. However, if the maturity of the indebtedness created by the issuance of all or any part of the bonds is made to begin more than one year after date of issuance, the tax shall be levied and collected annually, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal when or before the payments provided for become due.

Purpose
of tax

4639. The taxes required to be levied and collected by this article shall be in addition to all other taxes levied for city purposes, and shall be used for no purpose other than the payment of the principal and interest due on the bonds.

Article 6. Annexation

(Article 6 added by Stats. 1957, Ch. 1400)

Territory
which may
be annexed

4641. Territory which is within the boundaries of any city and which is not within the boundaries of any other

sewer district formed pursuant to this chapter may be annexed to any existing sewer district by the governing body of the city.

(Added by Stats. 1957, Ch. 1400.)

4642. Whenever the governing body of a city determines and finds that additional territory will be benefited by annexation to an existing sewer district within the city, it shall pass a resolution to that effect. Resolution:

(Added by Stats. 1957, Ch. 1400.)

4643. The resolution shall be passed by a vote of two-thirds of all the members of the governing body of the city and be approved by the mayor. Passage

(Added by Stats. 1957, Ch. 1400.)

4644. The resolution shall: Contents

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name and number.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion of any land described in the resolution.

(Added by Stats. 1957, Ch. 1400.)

4645. The resolution, together with the names of the members of the governing body, voting for and against it and the name of the mayor approving it shall be published for at least two weeks successively next before the day fixed for the hearing in a newspaper of general circulation printed and published in the city. Publication

(Added by Stats. 1957, Ch. 1400.)

4646. On the day fixed for the hearing, or any day to which the hearing is adjourned, the governing body shall hear and consider any objections presented to the annexation of the territory to the district or to the inclusion of any territory proposed to be annexed. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the government body that the territory proposed to be annexed will be benefited by such annexation, the governing body shall proceed to fix and determine the boundaries of the territory to be annexed to the district. Hearing

(Added by Stats. 1957, Ch. 1400.)

4647. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the governing body shall order the annexation of the territory so described. This resolution, together with the names of the members of the governing body voting for and against the resolution and the name of the mayor approving it shall be spread upon the minutes of the governing body. Annexation order

(Added by Stats. 1957, Ch. 1400.)

Liabilities
and benefits
of annexed
territory

4648. Whenever any territory situated within the city is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

(Added by Stats. 1957, Ch. 1400.)

CHAPTER 2. SEWER DISTRICTS, ACT OF 1899

(Chapter 2 repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 2, provided as follows:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

Title * 4659. This chapter may be cited as the Sewer Districts in Unincorporated Territory Act.

(Added by Stats. 1943, Ch. 765.)

Petition * 4660. Whenever one-third of the voters resident in any unincorporated territory in a county desire the formation of a sewer district, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the proposed district and shall pray for the formation of a sewer district. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by all or any persons interested in the formation of such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the proposed district for 10 days in some daily paper in the nearest municipal corporation, if there is one, if not, publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

(Amended by Stats. 1939, Ch. 1124.)

Hearing * 4661. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the formation of the district or to the inclusion of any lands in the district. After the hearing of the objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the public interest requires the formation of the district, the board of supervisors shall proceed to fix and determine the boundaries. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall establish such sewer district and permanently fix and determine its boundaries. This resolution, together with the

Formation

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

(Amended by Stats. 1939, Ch. 1124.)

* 4662. After the formation of the sewerage district, the board of supervisors may lay out and construct sewers therein, and provide for making connections with the sewer by property holders and other persons resident within the district, and for the maintenance and extension of the sewerage district. The board of supervisors shall compel property holders to connect all buildings with the sewers.

Construction
of sewers

Connection

* 4663. Whenever a sewerage district is formed under this chapter of territory adjacent to any city having a sewerage system, the district sewerage system shall be connected with and have its outlet through the city sewerage system; but no connection can be made or maintained with the city sewerage system of any city without the consent of the city governing body.

Connection
with city
sewer

* 4664. When connection is made with the city sewer system, the board of supervisors, from the funds collected from the taxes levied under this chapter, shall pay to the city annually the sum of money that is fixed as charges by the board of supervisors and the city governing body for the privilege of connecting and maintaining connection with the city sewer system. This amount may vary from year to year as the board of supervisors and the city governing body deem reasonable.

Charges for
use of city
system

* 4665. At the time of making each tax levy subsequent to the formation of the district, the board of supervisors shall levy such an amount of taxes upon the taxable property of the district as the board deems necessary for carrying out the provisions of this chapter and for the purposes of the district. The taxes shall be collected in the same manner as county taxes are collected. The board of supervisors shall provide in the levy for assessing and collecting a sufficient amount of money to pay to any city whose sewers shall be connected with pursuant to this chapter the amount fixed as charges for the privilege of connecting with the city sewerage system.

Tax

* 4665.5. As an alternate or supplemental method of raising the money to carry out the provisions of this chapter the board of supervisors may fix and collect use taxes, fees, tolls or charges for the use of facilities or lines maintained or operated by the district sufficient in amount to pay for the expenses, or a portion thereof, of the district in maintaining, operating, and repairing any works, lines, or improvements of the district and to defray all other expenses incidental to the exercise of any of the district's powers, including a sufficient amount of money, or a portion thereof, to pay to any city whose sewers shall be con-

Taxes, etc.,
for use of
facilities

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

nected with pursuant to this chapter, the amount fixed as charges for the privilege of connecting with the city sewerage system or having the city maintain the sewer lines in the streets and public easements.

(Added by Stats. 1951, Ch. 1501.)

Claims

* 4665.6. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Notice to
district
of charge
by city

* 4666. Before the first day of March preceding the fiscal year for which the charge is made, the city governing body shall fix, and notify the board of supervisors of, the amount of the charge.

Contracts
with gov-
ernmental
agencies
re joint
facilities

* 4667. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage,

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

* 4668. Unincorporated territory situated within the same county and which is contiguous to a district formed under this chapter, and not included in any other district formed for similar purposes, may be annexed to an existing district, if the board of supervisors finds and determines that the additional territory will be benefited by annexation and that the district will be benefited by the inclusion of the territory therein.

Annexation
of unincorporated
territory

(Added by Stats. 1957, Ch. 1400.)

* 4669. Whenever one-third of the voters resident in any unincorporated territory in a county desire to annex territory to an existing sewer district within the county, formed pursuant to this chapter, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the area proposed to be annexed and shall pray for the annexation of said territory. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by any persons interested in the annexation of the described territory to such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the territory proposed to be annexed for 10 days in some daily newspaper in the nearest municipal corporation, if there is one, if not, the publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

Petition

Hearing

Publication
of notice

(Added by Stats. 1957, Ch. 1400.)

* 4670. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the annexation of the territory described in the petition to the district. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the territory will be benefited by the annexation and that the district will be benefited by the annexation of the territory, the board of supervisors shall proceed to fix and determine the boundaries of the area to be annexed. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall order the annexation and shall set forth the boundaries of the territory to be annexed. This resolution, together with the names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

Hearing, etc.

Annexation
order

(Added by Stats. 1957, Ch. 1400.)

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

Liabilities
and benefits
of annexed
territory

* 4671. Whenever any territory situated within the same county is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

(Added by Stats. 1957, Ch. 1400.)

4675. See 4765.

CHAPTER 3. COUNTY SANITATION DISTRICTS

Article 1. General Provisions

Title	4700. This chapter shall be known and cited as the "County Sanitation District Act."
"District"	4701. "District," as used in this chapter, means any county sanitation district formed pursuant to this chapter or pursuant to any law which it supersedes.
"District board"	4702. "District board," as used in this chapter, means the board of directors of a district.
Application of chapter	4703. Districts may be formed, maintained, and governed in any county as provided in this chapter.
Law inapplicable	4704. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933." (Added by Stats. 1945, Ch. 1351; amended by Stats. 1947, Ch. 645.)

Article 2. Formation

Resolution of intention	4710. A board of supervisors desiring to form a county sanitation district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following: (a) A statement of the intention to form a district. (b) The boundaries of the proposed district or some other designation of its territorial extent. (c) The name of the proposed district. (d) The time and place where objections to the formation of the district or to its extent will be heard. (e) Instructions to the clerk of the board to publish the resolution and notices of hearing.
Extent of district	4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.
Inclusion of portion of other similar district	The district shall not include the whole or any part of any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district within the sanitation district is in the public interest and the territory affected will benefit thereby.

* NOTE: Chapter 2, consisting of Sections 4659-4671, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 2.

Notice of such hearing shall be given by publication in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published within the county. Notice

(Amended by Stats. (1st Ex. Sess.) 1946, Ch. 62, and by Stats. 1947, Ch. 1376.)

4712. The time to be fixed for the hearing of objections shall be not less than 30 days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district. Time and place of hearing

(Amended by Stats. 1939, Ch. 596.)

4713. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district. Publication

(Amended by Stats. 1939, Ch. 596.)

4714. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district. Hearing

4714.5. If the board of supervisors finds that protests have been made, prior to its final determination for formation of the district, by the owners of real property within the proposed district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the proposed district, the proceeding shall terminate. The board of supervisors shall order the proceeding terminated when such protests are received. Protests

(Added by Stats. 1959, Ch. 152.)

4715. If written objection to the formation of the district, signed by 5 percent of the voters registered in the district if the district contains less than 2001 registered voters, or by 2 percent of the registered voters, but not less than 100 registered voters, if the district contains 2001, or more, registered voters, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election. Same

(Amended by Stats. 1959, Ch. 566.)

4716. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be Election

Notice appointed. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

Order of formation 4717. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

(Amended by Stats. 1939, Ch. 596.)

Contents and effect of order 4718. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing.

Article 2.5. Consolidation

(Article 2.5 added by Stats. 1955, Ch. 675)

Resolution: 4720. Two or more districts may be consolidated into a single district as provided in this article.
(Added by Stats. 1955, Ch. 675.)

Contents 4721. If, in the judgment of each of the district boards, it is for the best interest of the district that it be consolidated with one or more other districts, the district board of each district shall so declare by resolution which shall contain the following:

(a) A statement of the facts requiring consolidation.

(b) A declaration of the advisability of consolidation and the willingness of the district board to consolidate.

(c) The name for the consolidated district agreed upon by the boards.

(Added by Stats. 1955, Ch. 675.)

Filing 4722. A certified copy of the resolution of each of the district boards shall be filed with the board of supervisors of the county in which the districts are located.

(Added by Stats. 1955, Ch. 675.)

Hearing: Order 4723. Upon the filing of the certified copy of the resolution of each district board the board of supervisors shall order a hearing to be held upon the consolidation of the districts by resolution which shall contain:

(a) A statement that the district boards of _____ (naming the districts) have filed certified copies of resolutions declaring the desirability of consolidation.

(b) The name of the proposed consolidated district.

(c) The time and place where objections to the proposed consolidation will be heard, which shall not be more than 40 days after the adoption of the resolution.

(d) A statement that at said time and place any person interested, including any owner of real property in any one of the districts proposed to be consolidated, will be heard on all questions material to the proposed consolidation.

(Added by Stats. 1955, Ch. 675.)

4724. Notice of hearing shall be given by publishing the resolution pursuant to Section 6066 of the Government Code in a newspaper of general circulation in each district proposed to be consolidated and by posting a copy of said resolution in three public places in each district at least two weeks before the time fixed for said hearing. Notice

(Added by Stats. 1955, Ch. 675; amended by Stats. 1957, Ch. 357.)

4725. At the time provided in the order of hearing, or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the proposed consolidation. If written objection to the proposed consolidation signed by more than 5 percent of the voters registered in any of the districts proposed to be consolidated is filed with the board it shall, and in any event it may, either adopt an order abandoning the proposed consolidation, or order the proposed consolidation submitted to the voters of the proposed consolidated district at an election, and fix the day for such election. Objections

(Added by Stats. 1955, Ch. 675; amended by Stats. 1959, Ch. 566.)

4726. At the election only voters registered in the proposed consolidated district may vote. The board of supervisors shall provide for the holding of said election on the day so fixed, shall establish election precincts, shall appoint precinct boards which shall consist of one inspector, one judge and one clerk, and shall order the other particulars of conducting the election. Notice shall be given by publication pursuant to Section 6066 of the Government Code of the order calling and providing for the holding of said election in a newspaper of general circulation in each district proposed to be consolidated and by posting a copy of said order in three public places in each district at least two weeks before said election. Election:
Precincts
Notice

(Added by Stats. 1955, Ch. 675; amended by Stats. 1957, Ch. 357.)

4727. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of the votes cast in each of the districts proposed to be consolidated on the question were in favor of the consolidation, then upon completion of the canvass of the election returns, the board of supervisors may, if it deems best, make an order forming the consolidated district which shall contain the name of the new district and such consolidation shall be effective as of the date of said order. No irregularities or informalities in conducting the election shall invalidate the same if the election shall have been fairly conducted. The order of consolidation is conclusive evidence of the regularity of all prior proceedings except the adoption and publication of the resolution ordering Order of
consolidation,
etc.

the hearing and the fact of the hearing. Any action or proceedings wherein the validity of the consolidation, or any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such order of consolidation. Otherwise said consolidation and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(Added by Stats. 1955, Ch. 675.)

Liability of
district

4728. The taxable real property within each district, consolidated as provided in this article, or within each improvement district therein, as the case may be, shall remain liable to be taxed for the payment of the bonds of such district and the interest thereon, or the bonds of such improvement district and the interest thereon and any other indebtedness, obligation or liability outstanding on the date of consolidation as if said district had not been consolidated. Unsold bonds of any district, consolidated as provided in this article, or of any improvement district therein, may be issued by the consolidated district, but the proceeds shall be applied as if said district had not been consolidated.

Proceeds of
unsold bonds

(Added by Stats. 1955, Ch. 675.)

Article 3. Officers

Governing
body

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the sanitation district, is a member of the board. A member of the governing body of each sanitary district, the whole or part of which is included in the sanitation district, is a member of the board.

If the sanitation district includes territory which is unincorporated and not included in a sanitary district, then the presiding officer of the county board of supervisors is a member of the board.

The governing body of each city and the board of supervisors shall each select one of its members, other than its presiding officer, as an alternate director to act as a member of the district board in place of the presiding officer during his absence, inability or refusal to act.

If the sanitation district includes unincorporated territory and all or part of one city and no sanitary district, or unincorporated territory and one sanitary district and no city, then the presiding officer and one other member of the board of supervisors are members of the board, unless the population included in the city or sanitary district is more than half of the population of the whole sanitation district, in which case the presiding officer of the board of supervisors and the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district, as the case may be, constitute the board of directors.

If the total number of cities and sanitary districts included in the sanitation district in whole or in part is two and if the sanitation district does not include any territory not in cities or sanitary districts, then the district board includes the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district having the greatest population and the presiding officer of the governing body of the city or one member of the governing body of the sanitary district having the least population.

If the total number of cities and of sanitary districts wholly or in part within the sanitation district is two or more, and if, in addition, the district contains unincorporated territory, then the district board includes the presiding officer of the board of supervisors, the presiding officer of the governing board of each city, and a member of the governing board of each sanitary district.

If the district includes no territory which is in cities or sanitary districts, then the county board of supervisors is the board of directors of the district.

If the territory of the district lies wholly within a city, the legislative body of said city is the board of directors of the district.

A city within a sanitation district, the sewered portion of which city lies entirely within a sanitary district, shall have no representation on the board.

Notwithstanding the foregoing provisions of this section, whenever a sanitation district includes unincorporated territory and all or part of one city and no sanitary district, the governing body of such city may designate the board of supervisors of the county as the district board of directors, unless the population of the incorporated portion of the sanitation district is more than half of the population of the whole district. If the population of the incorporated portion of the sanitation district is more than half of the population of the whole district, the board of supervisors of the county may designate the governing body of the city as the district board of directors.

The term "sanitary district" as used in this section shall mean a sanitary district formed prior to the formation of the sanitation district in which it is included in whole or in part. "Sanitary district"

(Amended by Stats. 1939, Ch. 596, by Stats. 1947, Ch. 1428, by Stats. 1949, Ch. 882, by Stats. 1951, Ch. 1076, by Stats. 1955, Ch. 1636, and by Stats. 1959, Ch. 1079.)

4731. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately. Annexation
Membership
of board

Auditor

4732. The county auditor of the county in which the district is formed is ex officio the auditor of the district.

Compensation

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed twenty-five dollars (\$25) for each meeting of the district board attended by him, not to exceed fifty dollars (\$50) in any one month, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 4730 that are occupied by members of said district board.

(Amended by Stats. 1947, Ch. 613, and by Stats. 1953, Ch. 296.)

Article 4. District Powers**Actions**

4738. A county sanitation district may sue and be sued by its own name.

(Added by Stats. 1951, Ch. 1000.)

Employees

4739. A county sanitation district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district.

Property

4740. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant, or a refuse transfer or disposal system, or both. As used in this article "refuse" shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) garbage; (f) anything thrown away as worthless.

(Amended by Stats. 1949, Ch. 721, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

Powers

4741. It may acquire, construct and complete within or without the district, sewage collection, treatment and disposal works, including sewage treatment plants, outfalls, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights of way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal. No such sewerage system shall be constructed, maintained, or operated in any city not in the district except by consent granted by the unanimous vote of the governing body of the city.

It may also acquire lands and acquire and construct refuse transfer or disposal facilities, or both, within or without the district, and it may maintain and operate within the district boundaries a system for transfer or disposal of refuse, or

both; provided, however, that such system shall not include "refuse collection" which is defined as the house-to-house pickup of refuse or any part thereof.

A district shall not acquire land for, or establish and operate a refuse transfer or disposal facility within either a city or the unincorporated area of a county until the city council, if the facility is proposed to be located in the city, or the board of supervisors of the county, if it is proposed to be located in the unincorporated area of the county, has by resolution, consented to the use of the proposed site for that purpose.

Consent of governing bodies

If 90 percent or more of the total area of the district is unincorporated territory, and the land proposed to be acquired for a refuse transfer or disposal facility is located in the unincorporated territory of the county, the board of supervisors shall, before adopting any resolution consenting to the use of land for that purpose, hold a public hearing upon the question of the adoption of the resolution. Notice of such hearing shall be given by publication in the area pursuant to Section 6066 of the Government Code, not more than 30 nor less than 10 days prior to the hearing. If at any time before the hearing, there is filed with the board of supervisors a written objection to the use of the proposed site for a refuse transfer or disposal facility, signed by 2 percent or more of the registered voters of the district, the board shall submit the matter of the proposed use to the voters of the district at an election. The proposition shall be submitted to the voters in the manner and under the procedure prescribed in Article 5 of this chapter for submission of the proposition of incurring a bonded indebtedness. If a majority of the votes cast in such an election are in favor of the proposed use the board shall adopt the resolution consenting thereto, but if a majority of the votes cast are against the proposed use the board shall dismiss the proceedings, and no resolution consenting to the use of any of such land shall be adopted by the board for at least one year from the date of the election.

Hearing

Publication of notice

Election

(Amended by Stats. 1949, Ch. 168 and Ch. 721, and by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.1. A district board desiring to construct, maintain and operate a refuse transfer or disposal system, or both, within or without the district in addition to its sewage collection, treatment and disposal system shall adopt a resolution of its intention to do so. The resolution shall contain the following:

Resolution of intention

(a) A statement of the intention to construct, maintain and operate a refuse transfer or disposal system, or both;

(b) A statement that in the absence of any exclusion as provided in Section 4741.2, the boundaries of the proposed refuse transfer or disposal system, or both, shall coincide with the existing district boundaries;

(c) The name of the county sanitation district proposing to construct, maintain and operate said system;

(d) Instructions to the secretary of the district board to deliver within 10 days after the passage of said resolution of intention a certified copy thereof to the governing body of each political subdivision having representation on said district board;

(e) A statement that any political subdivision having representation on the district board may be excluded from said system and relieved of all liability in connection therewith upon complying with the provisions of Section 4741.2.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

Exclusion of
territory

4741.2. That portion of a political subdivision lying within a district and having representation on the district board of directors, shall be excluded from the proposed refuse transfer or disposal system, or both, and shall not be liable for any cost incurred by said district in acquiring, constructing, operating and maintaining such system; provided, that the governing body of said political subdivision within 90 days after passage of the resolution of intention by the district to form such system, delivers to said district a certified copy of its resolution requesting exclusion from the proposed refuse transfer or disposal system, or both.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

Adoption or
rescinding of
resolution

4741.3. At the expiration of not less than 90 days after adoption of the resolution of intention to construct, maintain and operate a refuse transfer or disposal system, or both, the district board may, in its discretion, adopt a resolution declaring the system formed or may rescind its resolution of intention to form said system and declare all prior proceedings in connection therewith void.

Dissolution
of existing
system

Any existing refuse collection and disposal system of a district shall be dissolved without further action by the board upon the adoption by the same district board of a resolution declaring a refuse transfer or disposal system, or both, formed.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

Board of
directors

4741.4. The board of directors of a county sanitation district shall be the same for all district purposes, activities, and objectives, whether for collection, treatment and disposal of sewage or the acquisition and operation of a refuse transfer or disposal system, or both, and no director shall be excluded from the board of directors because the political subdivision which he represents on the board has excluded itself from the said refuse transfer or disposal system, or both.

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.5. When a refuse transfer or disposal system, or both, is established by a district pursuant to the provisions of this article, the district shall comply with the provisions of Sections 54900 to 54903, inclusive, of the Government Code, by furnishing a statement and map or plat to each assessor whose roll is used for the levy as provided in Section 4815 of this code and to the State Board of Equalization, showing the boundaries of said refuse transfer or disposal system, or both.

Furnishing
statement
and map
or plat

(Added by Stats. 1953, Ch. 1495; repealed and added by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4741.6. The provisions of Sections 4741.1 through 4741.5 shall not apply to any district whose resolution of intention pursuant to Section 4710 discloses that the district was formed for the purposes of constructing, maintaining and operating both sewage collection and disposal systems and refuse collection and disposal systems. Also nothing contained in this chapter shall be construed to preclude any district from using its sewerage system to dispose of ground garbage or other acceptable material which is ground into the form of slurry.

Application
of provisions

(Added by Stats. 1953, Ch. 1495.)

4742. It may join with any other district, city or other governmental agency in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, or a refuse transfer or disposal system, or both, either within or without the district, or so join for any combination of these purposes, but no sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.

Joint
operation

(Amended by Stats. 1949, Ch. 721, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4742.1. It may contract with any district, city, governmental agency, or person, for the handling, treatment or disposal by the district of refuse, sewage, or industrial wastes originating within the district or county or within areas outside of the district or county when, in the judgment of the district board, it is for the best interest of the district to do so, upon such terms and conditions as may be agreed upon; provided, that the contract shall be for such term as agreed upon, but in no event for a term in excess of 50 years, or for such time as in the judgment of the district board the district shall have the capacity for handling, treatment or disposal of such refuse, sewage, or industrial wastes.

Contracts

(Added by Stats. 1951, Ch. 1000; amended by Stats. 1959, Ch. 1303.)

4743. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.

Disposal of
property

Sale of
by-product

4744. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other by-product resulting from the operation of a sewerage system, sewage disposal plant, refuse disposal plant or process, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.

(Amended by Stats. 1949, Ch. 721.)

Disposal of
water or
effluent

4745. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

Bonds

4746. It may issue bonds.

Negotiable
promissory
notes

4746.1. If funds are needed to meet current expenses of maintenance and operation, a district may incur indebtedness by the issuance of negotiable promissory notes pursuant to this section, without an election. The notes shall be general obligations of the district payable in the same manner as bonds of the district, shall mature not later than two years from the date thereof, and shall bear interest at a rate not to exceed 5 percent per annum, payable as provided therein. The aggregate amount of the notes outstanding at any one time shall not exceed an amount equal to seven cents (\$0.07) on each one hundred dollars (\$100) of the assessed valuation of the taxable real property within the district as shown on the last equalized assessment roll of the county. If such assessed valuation is not obtainable, the county auditor's estimate of the assessed valuation of the taxable real property within the district for the fiscal year in which the indebtedness is to be incurred shall be used.

All such notes shall be issued after the adoption of a resolution by a four-fifths vote of the district board setting forth the following:

- (a) The necessity for such borrowing.
- (b) The assessed valuation of the taxable real property within the district, or the auditor's estimate thereof.
- (c) The amount of funds to be borrowed.
- (d) The date, maturity, denomination, and form of such notes.

The notes shall be signed by the chairman of the district board and countersigned by the auditor of the district and the seal of the district board shall be affixed.

The district board shall cause the board of supervisors to levy and collect taxes to pay the interest on and the principal of the notes as the same comes due and, if the maturity of the notes begins more than one year after the date thereof, to constitute a sinking fund for the payment of the principal thereof at maturity.

Before selling such notes, the district board shall give notice **Bids** inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the notes offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the district board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the notes at private sale.

(Added by Stats. 1959, Ch. 676.)

4747. It may cause to be levied and collected taxes upon Taxes all the taxable real property in the district sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers.

4748. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation especially with reference to the matters of sewage collection, treatment, and disposal, and refuse transfer or disposal, or both. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth: **Survey by sanitation engineers**

(a) A general description of existing facilities for sewage collection, treatment, and disposal, or a general description of existing facilities for refuse transfer or disposal, or both. **Report**

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

(Amended by Stats. 1949, Ch. 721, and by Stats. 1955, Ch. 707, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4749. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies. **Appointment and removal**

4750. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report. **Action upon engineers' report**

4751. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place **Notice** **Hearing**

so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections.

**Adoption
of report**

4752. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

**Publication
of report**

4753. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution.

Supervision

4754. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

Contracts

4755. When the expenditure required for the work exceeds four thousand five hundred dollars (\$4,500), it shall be contracted for and let to the lowest responsible bidder after notice. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by the district board as the places for posting such notice. The notice shall distinctly state the work to be done.

Bids

Notice

In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses. If no bids are received, the district board may have the work done without further bid.

**Bid rejection
and readvert-
ising**

If all bids are rejected, the district board on a resolution adopted by a four-fifths vote may declare that the work can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in a manner stated in the resolution in order to take advantage of this lower cost.

**Public
calamity**

If there is a present or anticipated great public calamity, as an extraordinary fire, flood, storm or other disaster the district board may by resolution adopted by a four-fifths vote declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property expend any sum required in the emergency without submitting such expenditure to bid.

Cost records

Cost records of the work shall be kept in the manner provided in Sections 4000 to 4007, inclusive, of the Government Code.

The provisions of this section shall not apply to sewerage maintenance, repair work, or to any uncompleted works under construction by district forces prior to the enactment of this section, and shall not be construed to exempt any work from the provisions of Part 7 (commencing at Section 1720) of Division 2 of the Labor Code. Exemptions

(Repealed and added by Stats. 1957, Ch. 2123.)

4756. (Repealed by Stats. 1957, Ch. 2123.)

4757. (Repealed by Stats. 1957, Ch. 2123.)

4758. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made. Modification
in report

4759. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work. Right of way

4760. The district board may, by agreement with any city or other public agency, take possession of, or acquire by condemnation or in any other manner any sewerage system, or any sewage or refuse disposal or treatment plant, or any combination of the foregoing necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district. Acquisition
of system

A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or other public agency entering into such a contract with a county sanitation district. Contracts
for use

Whenever any sewerage or refuse disposal system, or sewage or refuse disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district may assume and pay out of its funds the outstanding bonds of the city or public agency according to their terms, and in that case the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency. Bonds

Funds may be obtained by the county sanitation districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds. Funds

(Amended by Stats. 1949, Ch. 721, and by Stats. 1957, Ch. 125. In effect April 19, 1957.)

Contracts
for use of
system, etc.

4761. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the county sanitation district of any sewerage or refuse disposal system, or sewage or refuse disposal or treatment plant owned or operated by the city or public agency.

(Amended by Stats. 1949, Ch. 721.)

Connection
with system

4762. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system. All connections of lateral or other sewer lines to the sewerage system of the district, whether within or without any city, shall be made at points and in the manner to be directed by the engineers of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe. The board of supervisors may prohibit the use of cesspools or other local means of sewage disposal and declare the same to be a public nuisance in any area in the district which is outside of any incorporated city, and may require all buildings inhabited or used by human beings to be connected with the sewerage system.

(Amended by Stats. 1949, Ch. 168.)

Powers of
board

4763. All powers of the district shall be exercised by the district board unless otherwise specified.

(Added by Stats. 1939, Ch. 596.)

Indebtedness

4764. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein which shall have arisen out of the transaction of the affairs of the district. It shall not, however, incur any bonded indebtedness unless it submits the proposition for incurring the bonded indebtedness to the voters of the district, or if the bonded indebtedness is for an improvement district, to the voters of the improvement district, at a regular election or a special election called for that purpose and at least two-thirds of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

(Added by Stats. 1947, Ch. 1376; amended by Stats. 1957, Ch. 2123.)

Negotiable
promissory
notes

4764.1. A county sanitation district formed after the fifteenth day of December, 1958, which filed a statement and map or plat pursuant to Sections 54900 to 54903 of the Government Code on or before February 1, 1959, may incur indebtedness by the issuance of negotiable promissory notes in an amount not to exceed seven hundred fifty thousand dollars (\$750,000) pursuant to this section without an election for any purpose for which the district is authorized to expend funds. The notes shall mature not later than 10 years from their date,

shall bear interest at a rate not exceeding 6 percent per annum, payable as provided therein, and shall be general obligations of the district payable, unless paid from other available funds of the district, in the same manner as bonds of the district. The provisions of Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code shall not be applicable to the incurring of indebtedness under this section.

The district shall publish an advertisement for bids on the promissory notes in a newspaper of general circulation within the district or, if no newspaper of general circulation is printed within the district, in a newspaper of general circulation within the county in which the district is located one week prior to the date of sale. Bids

This section shall remain in effect until October 1, 1960, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to October 1, 1960. Duration

(Added by Stats. 1959, Ch. 50. In effect April 2, 1959.)

4765. Any district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. The governing boards of districts may enter into associations and through a representative of the associations attend the Legislature, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association. Lobbying
Costs, etc.

(Added by Stats. 1949, Ch. 1018. This section was incorrectly numbered 4675 in text of Ch. 1018. Amended and renumbered by Stats. 1951, Ch. 19.)

4766. The district board may adopt ordinances to carry out the provisions of Sections 5473 to 5473.11, inclusive, of the Health and Safety Code and this chapter; the procedure for the adoption of said ordinances shall be the same as is provided for in Article 7 of Chapter 1, Part 2, Division 2, Title 3 of the Government Code for counties. Adoption of
ordinances
Procedure

(Added by Stats. 1951, Ch. 295.)

Article 4.1. District Employees

(Article 4.1 added by Stats. 1957, Ch. 2123)

4768. Section 19251 of the Government Code shall apply to employees of the district. Incompat-
ibility, etc.,
activities

(Added by Stats. 1957, Ch. 2123.)

Article 4.5. Application of Other Statutes
(Article 4.5 added by Stats. 1939, Ch. 1124)

**Special
assessment**

4770. Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district organized subsequent to the effective date of this amendment may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district.

(Added by Stats. 1939, Ch. 1124.)

**Applicable
statutes**

4771. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts.

(Added by Stats. 1939, Ch. 1124.)

**Duties of
officers**

4772. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

(a) "City council," and "council," mean board.

(b) "City," and "municipality," mean district.

(c) "Clerk," and "city clerk," mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector," means county tax collector.

(f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1939, Ch. 1124.)

**Exercise of
powers**

4773. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

(Added by Stats. 1939, Ch. 1124.)

**Restriction
on improve-
ments**

4774. The improvements authorized to be constructed or acquired under this article are restricted to those permitted to be constructed or acquired by such districts under Article 4 of this chapter.

(Added by Stats. 1941, Ch. 1072.)

Lien

4775. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice

thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

(Added by Stats. 1941, Ch. 1072.)

Article 5. Bonds

4780. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution. Bond election

4781. The resolution shall state all of the following: Resolution

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The amount of the bonds proposed to be issued.

(d) The number of years not to exceed which the whole of the bonds are to run.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the time specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

(Amended by Stats. 1949, Ch. 168.)

4782. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts. Precincts

4783. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct. Election officers

4784. Only voters registered in the district are eligible to vote at the bond election. Voters

4785. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given. Notice

4786. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold. Two-thirds vote

4786.5. Notwithstanding Section 4786, if prior to the adoption of the resolution calling the election, the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as Orange County emergency measure

an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such a threat to the public health and safety exists is stated in such resolution, and such resolution is adopted by a four-fifths vote of the board of directors of the district, then bonds of the district for the amount stated in such resolution may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

Duration

This section shall remain in effect until March 1, 1961.

This section shall be applicable only to districts located within the County of Orange.

Legislative
declaration

The Legislature finds and declares that special problems of sanitation exist in the County of Orange due to the extremely rapid growth in population and the rapid opening of large new tracts of land to residential development and further finds and declares that in areas of Orange County serious difficulties involving sewage overflow and other related problems have arisen which threaten the health of Orange County residents.

These problems are not, however, common to all areas of the State in which county sanitation districts are located. It is therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of Orange County.

(Added by Stats. 1953, Ch. 410; repealed and added by Stats. 1959, Ch. 801.)

Validity
of bonds

4787. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given.

(Amended by Stats. 1939, Ch. 596.)

Form of
bonds

4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of bonds issued shall not exceed forty years.

(Amended by Stats. 1949, Ch. 168.)

Denomina-
tions

4789. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000) except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars (\$5,000) or multiples thereof, the district board may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars (\$5,000) or multiples thereof be issued in lieu of the

equivalent amount of bonds of lesser denomination. They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually. Interest

(Amended by Stats. 1939, Ch. 596, and by Stats. 1957, Ch. 1150.)

4790. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. Signatures
Coupons

(Amended by Stats. 1951, Ch. 433, by Stats. 1957, Ch. 1150, and by Stats. 1959, Ch. 1061.)

4791. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds. Signatures

(Amended by Stats. 1939, Ch. 596.)

4792. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county. Sale of
bonds

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer. Proceeds

4793. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election. Construction
fund

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

4793.1. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished, any moneys remaining in the construction fund may be transferred to the fund to be used for the payment of principal and interest on the bonds. The district board by a vote of two-thirds of the members thereof may use said remaining moneys for some other county sanitation district purpose which will benefit the property in the district or improvement district, Surplus
moneys

as the case may be; provided, however, that with respect to improvement districts such general objectives and purposes shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunks, interceptors, and outfall sewers. Said moneys may not be used for said other county sanitation district purposes until two-thirds of the qualified electors of said district or improvement district thereof, as the case may be, have consented thereto at a special election called in said district or improvement district by the district board. Notice of said election shall be given and said election shall be held and conducted in the manner provided for bond elections in said county sanitation district or improvement district, as the case may be.

(Added by Stats. 1951, Ch. 198; amended by Stats. 1955, Ch. 1535.)

Resubmission of proposition

4794. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

Petition for election

4794.5. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if a petition, signed by electors of the district equal to 15 percent of the number of votes cast in the district for all candidates for Governor at the latest election at which a Governor was elected, requesting that another bond election be called, is filed with the district board.

Duration

This section shall remain in effect until March 31, 1954.

(Added by Stats. 1953, Ch. 410.)

Additional bonds

4795. If the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.

(Amended by Stats. 1953, Ch. 1357.)

Bond lien

4796. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

Tax exemption

(Amended by Stats. 1939, Ch. 596.)

4797. In determining the amount of bonds to be issued, the legislative body may include: Determination of amount

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Amended by Stats. 1939, Ch. 596; repealed by Stats. 1949, Ch. 168; added by Stats. 1957, Ch. 1378.)

4798. (Amended by Stats 1939, Ch. 596; repealed by Stats. 1949, Ch. 168.)

4799. Nothing in this chapter shall affect the validity of, or the right to issue and sell, bonds voted prior to the date when this code goes into effect. Effect of chapter

(Added by Stats. 1939, Ch. 596.)

4801. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered. Issue of bonds

(2) The board of directors of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times the payment of bonds of any other division or series of the same issue. Division of principal

(Added by Stats. 1949, Ch. 168.)

4802. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons. Bonds payable subsequent to second installment of taxes

(Added by Stats. 1951, Ch. 1648.)

4803. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," Proceeding to determine right to issue and validity

and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

Judgment

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

(Added by Stats. 1951, Ch. 1648.)

Article 5.5. Revenue Bonds

(Article 5.5 added by Stats. 1953, Ch. 95)

Application
of law

4805. The provisions of the Revenue Bond Law of 1941 as amended shall be applicable to county sanitation districts, and the term "local agency" as used in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code shall be deemed to include a county sanitation district.

(Added by Stats. 1953, Ch. 95; amended by Stats. 1959, Ch. 598.)

Article 5.6. Bonds for Improvement of a Portion of a District

(Article 5.6 added by Stats. 1955, Ch. 707)

Alternative
method

4806. As an alternative method of issuing bonds the district board may, after the approval and adoption of an engineer's report for a portion of the district, if it deems it necessary to incur a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report, by resolution so declare and state: (a) the general objects and purposes for which the proposed debt is to be incurred; provided, however, that such general objectives and purposes shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers; (b) the amount of debt to be incurred; (c) that the district board intends to form an improvement district of that portion of the district which in the opinion of said board will be benefited, the exterior boundaries of which portion are set forth on a map on file with said board, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district; (e) that the engineer's report, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, are on file with the district board and are available for inspection by any person interested; (f) the time and place for a hearing

by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

(Added by Stats. 1955, Ch. 707.)

4807. Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper having general circulation in the county sanitation district. Such notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district at least two weeks before the time fixed for the hearing. Notice of hearing

(Added by Stats. 1955, Ch. 707; amended by Stats. 1957, Ch. 357.)

4808. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the district board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or within the proposed improvement district, may appear and protest the inclusion of his property within the proposed improvement district and/or present any other matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. Hearing

The district board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement; and provided further, that said board shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein. If the district board proposes to change the purposes for which the proposed debt is to be incurred, it shall cause appropriate changes to be made in the report before giving notice of such change. The purpose, amount of bonded debt and boundaries shall not be changed by said board except after notice of its intention to do so, given pursuant to Section 6061 of the Government Code in a newspaper having general circulation in said county sanitation district, and by posting in three public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the engineer's report as changed by said board, together with a map showing exterior boundaries as proposed to be changed, are on file with the district board and are available for inspection by any person interested, and specify the time and place for hearing on such change, which time shall be at Change of purpose:
Notice

least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, said board shall continue with the hearing. At the hearing any person interested, including any person owning property within the district or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

Statement
of purpose

At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred (which purpose shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers) the amount of the proposed debt, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the district board, which map shall govern for all details as to the extent of the improvement district, and that said portion of the district set forth on said map shall thereupon constitute and be known as "Improvement District No. ____ of _____ (name of county sanitation district)," and the determination made in said resolution shall be final and conclusive. After the formation of such improvement district within a county sanitation district, all proceedings for the purpose of a bond election shall be limited and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in the improvement district.

(Added by Stats. 1955, Ch. 707; amended by Stats. 1957, Ch. 357.)

Special
election

4809. When the board has made its determinations as provided in Section 4808 and if the board deems it necessary to incur the bonded indebtedness, the board shall by resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the name of the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the district board, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be derived exclusively from an annual tax upon the real property in said improvement district; (f) the maximum term the bonds proposed to be

issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not be more than the rate specified in this chapter for bonds of the district, payable at the time specified in this chapter for bonds of the district; (h) the measure to be submitted to the voters; (i) the date of the election; and (j) the election precincts, polling places and election officers.

(Added by Stats. 1955, Ch. 707.)

4809.1. Except as otherwise provided in this article, notice of the election shall be given and the election shall be held and conducted in the same manner as elections for the authorization of bonds of the entire county sanitation district, and if two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district, issued in the name of the district and designated "Bonds of _____ (naming the county sanitation district) for Improvement District No. ____" shall be issued and sold for the amount stated in the resolution calling the election in the same form and manner as bonds of the entire county sanitation district. Each bond of the district for an improvement district and all interest coupons thereof shall state that taxes for the payment thereof shall be derived exclusively from an annual tax upon the real property in the improvement district.

Notice of
election

(Added by Stats. 1955, Ch. 707.)

4809.2. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. Any action or proceedings, wherein the validity of the formation of the improvement district or of any bonds issued for it or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

Conduct of
election

(Added by Stats. 1955, Ch. 707.)

4809.3. Bonds issued as bonds of the district for an improvement district therein and the interest thereon shall be paid by revenue derived exclusively from an annual tax upon the real property in the improvement district of such county sanitation district, and all the real property within the improvement district of such county sanitation district shall be and remain liable to be taxed for such payments. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the improvement district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy. Said bonds and the interest thereon shall not be taxable in this State.

Payment of
bonds

Tax levy

(Added by Stats. 1955, Ch. 707.)

Article 6. Finance and Taxation

Statement
of amount

4810. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

Levy of tax

4811. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

Lack of
statement

4812. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

Tax collec-
tion. Funds

4813. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purpose.

Payment
of bonds

4814. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

Statement
of amount
needed for
expenses

4815. In any year, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary; (a) to maintain, operate, extend, or repair any work or improvements of the district, for the collection, treatment and disposal of sewage and to defray all other expenses incidental to the exercise of any of the district's powers, except the amounts necessary to acquire, construct, maintain and operate a refuse transfer or disposal system, or both, and any other expenses incidental to the operation of said system, and (b) to acquire, construct, operate and maintain any work or improvement of the district for a refuse transfer or disposal system, or both. The board of supervisors of the county shall, at the time and in the manner of levying other county taxes, levy separately and cause to be

Levy of tax

collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay: (1) the cost of maintaining, operating, extending, or repairing any work or improvements of the district for the collection, treatment and disposal of sewage and of defraying all other expenses incidental to the exercise of any of the district's powers except those relating to the acquisition, construction, operation and maintenance of a refuse transfer or disposal system, or both, and (2) the cost of acquiring, constructing, operating and maintaining, extending or repairing a refuse transfer or disposal system, or both; provided, the latter levy shall be made only on the real property located in said refuse transfer or disposal system, or both.

(Amended by Stats. 1957, Ch. 168. In effect April 23, 1957.)

4816. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure.

Tax
collection

(Amended by Stats. 1939, Ch. 596.)

4817. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Claims

(Repealed and added by Stats. 1959, Ch. 1727.)

4818. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district.

Cost of
engineer's
report

4819. The cost of the engineer's report, employees' salaries, costs of engineering surveys, bond counsel fees, and other initial costs and expenses, not to exceed five thousand dollars (\$5,000), incurred after formation of a district and prior to receipt of its first available funds, may be advanced by another county sanitation district or districts situated within the same county, upon such terms and conditions as may be agreed upon; said funds must be repaid by the borrowing district from its first available funds.

Initial costs
and expenses

(Added by Stats. 1957, Ch. 146.)

4820. The board of directors of a county sanitation district engaging in refuse disposal operations may, by resolution, establish a cash difference fund in an amount not to exceed one hundred dollars (\$100), in the same manner and by the same procedures as prescribed by Sections 29370 to 29379, inclusive, of the Government Code.

Cash differ-
ence fund

(Added by Stats. 1959, Ch. 1334.)

Article 7. Annexation

Type of
territory

4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation.

(Amended by Stats. 1939, Ch. 596, and by Stats. 1955, Ch. 1636.)

Procedure

4831. For the purpose of annexing territory situated within the same county to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

Refuse trans-
fer or dis-
posal system

Provided, however, that if a refuse transfer or disposal system of the district, or both, is in existence, said territory proposed to be annexed shall be and become a part of said system unless an express finding is made by the board of supervisors that said territory proposed to be annexed will not be benefited by its inclusion in said system.

(Amended by Stats. 1939, Ch. 596, by Stats. 1955, Ch. 1636, and by Stats. 1957, Ch. 168. In effect April 23, 1957.)

Annexation
of property
outside
county

4831.5. Property contiguous to a sanitation district but which is situated in a county other than the county in which the sanitation district has been organized may be annexed to said sanitation district pursuant to this section. A verified petition signed by the owners of more than 50 percent of the assessed value of the property sought to be annexed shall be presented to the board of supervisors of the county in which said annexing property is located. Upon receipt of such petition, the board of supervisors shall either approve or disapprove said proposed annexation and, if such approval is given, it shall transmit to the board of directors of the sanitation district a copy of the petition for annexation and a copy of the resolution approving same. Upon receipt of said petition and resolution, the board of directors of the sanitation district shall either consent to or reject said proposed annexation and shall give written notice to said board of supervisors of the action so taken. Upon receipt of notice that said board of directors have consented to said proposed annexation,

the board of supervisors of said county in which the annexing territory is so located shall proceed on the matter of annexation in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall be set forth the boundaries of the territory proposed to be annexed, and wherever protests are called for or authorized or an election is to be held, the provisions therefor shall refer only to the territory proposed to be annexed. Upon either (a) disapproval of said proposed annexation by said board of supervisors or (b) rejection thereof by the board of directors of said sanitation district as specified above, the procedures for annexation shall terminate and no further petitions for annexation shall be circulated or presented for a period of six months thereafter.

(Added by Stats. 1955, Ch. 1636.)

4831.7. If a district to which it is proposed to annex territory has incurred or authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the district to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition is filed.

Election re
annexation
and indebted-
ness

If a district to which it is proposed to annex territory includes an improvement district which has authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the improvement district to pay a portion of the bonded indebtedness authorized by the improvement district on the date the petition is filed.

If the board of directors of either such district has fixed an amount of money to represent the value to the territory proposed to be annexed of sewerage lines and sewage disposal facilities in the district, or within an improvement district in the district, which have already been paid for by district taxpayers or by taxpayers in the improvement district, a petition

requesting the holding of an election may request that, in addition or alternatively to either question referred to above, there be submitted to the taxpayers in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation to pay the amount of money fixed by the board of directors.

Upon the receipt of a petition of a type prescribed by this section, the board of supervisors of the county in which the territory proposed to be annexed is located shall call an election at which the question, or questions, presented by the petition shall be submitted to the registered voters in the territory. The provisions relating to an election for the formation of a district in the first instance shall govern the manner in which the election is called and held except the provisions therefor shall refer only to the territory proposed to be annexed. If a question to be submitted at the election provides that the property in the territory shall be subjected to taxation after annexation to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, the board of supervisors shall notify the board of directors of the district and the board of directors of the district shall fix the portion of the bonded indebtedness to be stated in the question.

If a majority of the votes cast upon a question at the election are in favor of annexation upon the terms prescribed by the question, and the district board by resolution has found and declared that the district will be benefited by the annexation and consents thereto, the board of supervisors shall make an order annexing the territory to the district. The property in the territory annexed shall not be subjected to taxation to pay a greater portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a greater portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, than that stated in a question which received an affirmative vote by a majority of those voting thereon. Nor shall the property in the territory be subjected to taxation to pay a greater amount of money to represent the value to the territory of sewerage lines and sewage facilities in the district, or within an improvement district in the district, paid for prior to the annexation by district taxpayers, or by taxpayers in the improvement district, than that stated in a question which received an affirmative vote by a majority of those voting thereon.

(Added by Stats. 1959, Ch. 152.)

4832. Whenever any territory situated within the same county is annexed to a district it thereupon becomes a part of the district and, except as provided in Section 4831.7, is subject to all the liabilities and entitled to all the benefits of the district. Effect: territory within same county

(Amended by Stats. 1955, Ch. 1636, and by Stats. 1959, Ch. 152.)

4832.5. Whenever any territory in another county is annexed to a district it thereupon becomes a part of the district and, except as provided in Section 4831.7, is subject to all the liabilities and entitled to all the benefits of the district. The board of supervisors of the county in which is situated the annexing territory shall appoint one of its members to sit as a member of the board of directors of said district. All ordinances theretofore and thereafter adopted by the board of directors shall have full force and effect in all portions of the district regardless in which county the property is situated. Same: Territory in another county

(Added by Stats. 1955, Ch. 1636; amended by Stats. 1959, Ch. 152.)

4833. Taxes for a district which is situated in more than one county as provided in this article shall be levied in accordance with the following procedure: Tax levy

(a) The board of directors shall annually, before the time of fixing the general tax levy for county purposes, estimate the amount of money necessary to be raised by taxation to meet the requirements for operation, maintenance, and payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for payment of such operation, maintenance, principal and interest.

(b) The total estimate shall be divided by the board of directors in proportion to the value of the real property of the district in each county. The value shall be determined from the equalized values of the last assessment rolls of the counties. When the division of the estimate has been made, the board of directors shall promptly certify to the boards of supervisors of the counties in which the district is situated the respective parts of the estimate apportioned to each county.

(c) The board of supervisors of each county in which is situated any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the board of directors.

(d) The tax shall be collected by the same officers and in the same manner as other county taxes, and the money so collected shall be deposited in the county treasury of the county in which the original district was created and credited to the account of said district.

(e) The treasurer of the county in which is situated the annexing territory shall at any time, but not oftener than twice a year, upon order of the board of directors, settle with the board of directors and pay over to the county treasurer, who is the repository of the funds of said district, all money in his possession belonging to said district.

(Added by Stats. 1955, Ch. 1636.)

Article 8. Joint Operation

Joint
operation by
districts

4840. Whenever two or more sanitation districts find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts.

Such agreement may also provide for participation by said sanitation districts in the State Employees' Retirement System of the State of California and for the payment of apportionments of costs and the collection, receipt and distribution of pension payments by one district designated for the purpose and acting on behalf of all districts participating in the agreement in the same manner as provided by Sections 4841 and 4842 of this code. When the agreement so provides, the designated district shall have all the powers and perform all the duties of a public agency for the purposes of the State Employees' Retirement Law, both in respect to the joint officers and employees of the participating districts and in respect to the officers and employees separately employed by the participating districts.

(Amended by Stats. 1945, Ch. 490.)

Agreement

4841. The agreement shall specify the proportionate amount to be paid by each district toward the costs and expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts.

Expenses

4842. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by, or to be paid in connection with the maintenance of the joint organization.

4843. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Contracts
with gov-
ernmental
agencies

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 168 and Ch. 843.)

Article 8a. Withdrawal of City

(Article 8a added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is Chapter 3)

4845.05. A city may withdraw from a district when all of the following conditions exist:

Withdrawal
of city from
district

(a) The district has been in existence for more than 10 years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 4815, 4816, 4817, 4748 or 4749; and in event such indebtedness or expense is outstanding and

owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1939, Ch. 270.)

Election

4845.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw.

(Added by Stats. 1939, Ch. 270.)

Conduct of election

4845.07. The election may be called and conducted by the district board upon its own motion, and shall be called and conducted upon presentation to it of a petition signed by not less than twenty-five per cent (25%) of the qualified electors residing in the city.

(Added by Stats. 1939, Ch. 270.)

Petition

4845.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1939, Ch. 270.)

Canvass

4845.09. The district board shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1939, Ch. 270.)

Resolution of withdrawal

4845.1. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1939, Ch. 270.)

Vacancies on board

4845.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

(Added by Stats. 1939, Ch. 270.)

Property

4845.12. In event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution.

(Added by Stats. 1939, Ch. 270.)

Election to join new district

4845.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1939, Ch. 270.)

Article 8b. Withdrawal of Unincorporated Territory

(Article 8b added by Stats. 1939, Ch. 270, purportedly to Chapter 4 of this part. Apparently the correct reference is to Chapter 3)

4845.20. All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, included within a city by annexation, incorporation, or otherwise, may be withdrawn from the district when all of the following conditions exist:

Withdrawal
of territory

- (a) The district has been in existence for at least one year;
- (b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the election or upon receipt of the verified petition, or upon the adoption of the resolution, by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof, except as otherwise provided in Section 4845.37.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1949, Ch. 718, by Stats. 1954 (Ex. Sess.), Ch. 66, and by Stats. 1959, Ch. 1079.)

4845.21. The withdrawal may be effected by the vote of majority of the qualified electors of the territory seeking to withdraw voting at an election on the proposition to withdraw, in which case the election procedure as hereafter provided in Sections 4845.22 to and including Section 4845.28 shall be followed, or by verified petition presented to the board of supervisors in the manner as hereafter provided in this article, or by resolution of intention of the board of supervisors as hereafter provided in this article.

Election

Resolution

(Added by Stats. 1939, Ch. 270; amended by Stats. 1949, Ch. 718, and by Stats. 1959, Ch. 1079.)

4845.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five per cent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board. The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

Petition

(Added by Stats. 1939, Ch. 270.)

4845.23. The election then shall be called and conducted in the same manner as other elections of the district except that the resolution calling the election shall be published in a

Conduct of
election

newspaper having a general circulation within the territory seeking to withdraw.

(Added by Stats. 1939, Ch. 270.)

Canvass

4845.24. The board of directors shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1939, Ch. 270.)

Resolution of
withdrawal

4845.25. A certified copy of the resolution shall be filed with the clerk of the board of supervisors of the county in which the district is situated, within 15 days after the resolution is adopted.

(Added by Stats. 1939, Ch. 270.)

4845.26. (Added by Stats. 1939, Ch. 270; repealed by Stats. 1949, Ch. 718.)

4845.27. (Added by Stats. 1939, Ch. 270; repealed by Stats. 1949, Ch. 718.)

Election to
join new
district

4845.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion; except that as to any part or portion of such territory which has heretofore been withdrawn and which is contiguous to an existing district and uninhabited, such part or portion may be annexed to the district pursuant to Article 7 of this chapter, without the necessity of holding an election, upon the filing of a petition with the district board signed by the owner or owners of such part or portion.

"Uninhabited"

As used in this section, "uninhabited" means having less than three electors at the time of the last general election next preceding the filing of the petition for annexation.

(Added by Stats. 1939, Ch. 270; amended by Stats. 1951, Ch. 1000.)

Petition

4845.30. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall contain the following:

Contents

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than

50 percent of value of the assessed real property of the area described in the petition as appears from the current assessment roll of the county or city within which the area to be withdrawn is situated.

(Formerly 4845.31. Added by Stats. 1949, Ch. 718; amended and renumbered 4845.30 by Stats. 1959, Ch. 1079.)

4845.31. In lieu of a petition for withdrawal, a board of supervisors desiring to exclude a part of a district may initiate proceedings by adopting a resolution of its intention to exclude certain designated territory from the district. The resolution shall contain a statement of the intention to exclude a part of the district and a legal description of the area to be excluded.

Resolution
in lieu of
petition

(Original 4845.31 amended and renumbered 4845.30. Present 4845.31 added by Stats. 1959, Ch. 1079.)

4845.32. Upon receipt of such petition, or upon the adoption of such resolution of intention, the board of supervisors shall set the same for hearing on a day not less than 20 days nor more than 35 days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once prior to the date fixed for such hearing, in a newspaper of general circulation circulated within the district and within the area proposed to be withdrawn which the board deems most likely to give notice to the inhabitants thereof and of the district as a whole or, if no such newspaper exists, the clerk shall cause such notice to be posted in three public places within the area proposed to be excluded.

Hearing

Notice

(Added by Stats. 1949, Ch. 718; amended by Stats. 1959, Ch. 1079.)

4845.33. The board of directors of the county sanitation district in which the area proposed to be excluded is situated shall report in writing to the board of supervisors at the time set for the public hearing as to the extent of the district, indebtedness, present obligations, and the effect of such exclusion upon the operation of its sewage system.

Report

(Added by Stats. 1949, Ch. 718.)

4845.34. At the time designated, the board of supervisors shall hear the petition, if any, or the resolution of intention, and any person interested therein and may adjourn the hearing from time to time not to exceed 60 days. The board of supervisors, if it finds that the portion of the district sought, or intended, to be withdrawn will not be benefited by remaining in the district, and that the territory not sought, or intended, to be withdrawn will be benefited by continuing as a district, may upon the conclusion of final hearing upon said petition, or said resolution of intention, grant or order such withdrawal, describing the area withdrawn, from the district; and subject to Sections 54900 to 54903, inclusive, of the Government Code said portion thereafter is no longer a portion of the district for any purpose, except that in the event district indebtedness or district expense is outstanding and owing on the date of the order granting or ordering said exclusion, the

Withdrawal

Outstanding
indebtedness

property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of said indebtedness or expense, except as otherwise provided in Section 4845.37.

(Added by Stats. 1949, Ch. 718; amended by Stats. 1954 (Ex. Sess.), Ch. 66, and by Stats. 1959, Ch. 1079.)

Objections

4845.35. If the area is proposed to be excluded by resolution of intention of the board of supervisors pursuant to Section 4845.31, and if written objection to the withdrawal of the territory signed by the owners of more than 50 percent in value of the assessed real property in the portion to be excluded is filed with the board of supervisors, the board of supervisors shall adopt an order abandoning the proposed exclusion without prejudice to further proceedings under this article.

(Original 4845.35 amended and renumbered 4845.37. Present 4845.35 added by Stats. 1959, Ch. 1079.)

Territory
included
within city

4845.37. Territory included within a city by annexation, incorporation, or otherwise may be withdrawn from the district through any of the procedures specified in this article, without the territory, subsequent to withdrawal, being subject to any further taxes by the district for the payment of maintenance, operating, or expenses other than the payment of principal and interest on bonds outstanding at the time of withdrawal, if the board of supervisors finds, at a hearing held after a petition for withdrawal is presented to the board pursuant to Section 4845.22 and prior to calling an election for withdrawal pursuant to Section 4845.23 or at the hearing required by Section 4845.34, by a resolution duly adopted, that the territory proposed to be withdrawn is not benefited by any services performed by the district.

(Formerly 4845.35. Added by Stats. 1954 (Ex. Sess.), Ch. 66; amended and renumbered 4845.37 by Stats. 1959, Ch. 1079.)

Article 9. Dissolution

Election

4850. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question.

Indebtedness

Before dissolution all legal indebtedness of the district shall first be paid and discharged.

Conduct of
election

4851. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district, and the district board shall canvass the returns of the election within 30 days after the election.

Resolution

4852. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

Certified
copy

4853. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

4854. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated. Property

4855. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it. Remaining
indebtedness

4856. Any funds belonging to the district at the time of dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution. Funds

Article 10. Reorganization

(Article 10 added by Stats. 1951, Ch. 819)

4857. Whenever (a) 25 percent or more of the residents and taxpayers residing within a district so petition the board of supervisors; or (b) the board of supervisors, by resolution, determines it to be in the best interests of the district, the board of supervisors may call an election to determine whether or not the district should be reorganized as a sanitary district under Part 1, Division 6 of this code. The proposed name of the reorganized district shall be designated in the petition or resolution. Reorgan-
ization
election

(Added by Stats. 1951, Ch. 819.)

4857.5. Whenever (a) 25 percent or more of the residents and taxpayers residing within a district so petition the board of supervisors; or (b) the board of supervisors, by resolution, determines it to be in the best interests of the district, the board of supervisors may call an election to determine whether or not the district should be reorganized as a community services district under Title 5, Division 3 of the Government Code. The proposed name of the reorganized district shall be designated in the petition or resolution. Reorganiza-
tion as
community
services
district:
Election

(Added by Stats. 1955, Ch. 1684.)

4858. The election called pursuant to Section 4857 of this code shall be held as provided in Sections 6460 to 6466, inclusive, of this code. Applicable
provisions

(Added by Stats. 1951, Ch. 819; amended by Stats. 1955, Ch. 1684.)

4858.5. The election called pursuant to Section 4857.5 of this code shall be held as provided in Sections 60120 to 60130, inclusive, of the Government Code. Same

(Added by Stats. 1955, Ch. 1684.)

Order 4859. If the majority of the votes cast at the election are in favor of the proposed reorganization, the board of supervisors, by order entered in its minutes, shall declare the district reorganized as a sanitary district or community services district, as the case may be. Upon the adoption of the order, the district shall be deemed reorganized as a sanitary district or community services district, as the case may be, with all of the rights, powers, duties, and obligations of said district.

Tax levy Said district shall cause assessments to be made and taxes to be levied to retire any and all outstanding bonded indebtedness so that the same shall be retired in the same manner and to the same extent as though said district had continued as a county sanitation district.

(Added by Stats. 1951, Ch. 819; amended by Stats. 1955, Ch. 1684.)

CHAPTER 4. SEWER MAINTENANCE DISTRICTS

Article 1. General Provisions and Definitions

Title 4860. This chapter shall be known and may be cited as the Sewer Maintenance District Act.

"District" 4861. "District," as used in this chapter, means a sewer maintenance district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Board" 4862. "Board," as used in this chapter, means the board of supervisors of the county in which a district is formed, or in which it is proposed to form a district.

"Clerk" 4863. "Clerk," as used in this chapter, means the clerk of the board of supervisors.

Other statutes 4864. This chapter does not repeal any law providing for the organization of sanitary districts or county sanitation districts nor authorize the governing body of a sewer maintenance district to manage, control, or otherwise interfere with the maintenance or repair of any sewers under the control of a sanitary district or county sanitation district.

"Maintenance of sewers" 4865. "Maintenance of sewers" as used in this chapter includes the extension and enlargement of sewers, within a district.

(Added by Stats. 1943, Ch. 765.)

"Sewers" 4866. "Sewers" as used in this chapter includes lateral and collecting sewers, septic tanks and all other means of handling, gathering and disposing of sewage in the district.

(Added by Stats. 1943, Ch. 765.)

Article 2. Formation

Territory 4870. Any portion of the territory of a county, whether incorporated or unincorporated, in which lateral or collecting sanitary sewers have been installed, for the maintenance and repair of which provision is not otherwise made, may be formed into a district, except that no portion of any city shall

be included within such a district unless consent of the governing body of the city is first obtained.

(Amended by Stats. 1955, Ch. 167.)

4871. The board of supervisors of any county may determine by resolution that any portion of the unincorporated area of the county not already included in a district is in need of sewer maintenance and should be formed into a district. Resolution of intention

4872. The board shall fix a time and place to hear the proposal to form a district. Time and place of hearing

4873. The board shall direct the clerk to give notice of the hearing. The notice shall have the heading "Notice of the proposed formation of ----- Sewer Maintenance District," stating the name of the proposed district. It shall: Notice

(a) State the time and place for the hearing.

(b) Set forth the exterior boundaries of the territory proposed to be organized into a district.

4874. The board shall direct the clerk to publish the notice once a week for two successive weeks in the newspaper of general circulation circulated in the territory which it is proposed to organize into a district that the board deems most likely to give notice to the inhabitants of the proposed district. Publication

4875. The board shall also direct the clerk to post the notice in three public places in the proposed district at least 10 days prior to the date set for the hearing. The heading of each posted notice shall be in letters of not less than one inch in height. Posting

4876. At any time prior to the time fixed for the hearing any interested person may file with the clerk written objections to the formation of the proposed district. Protests

4877. At the time and place fixed for the hearing or at any time to which the hearing is continued, the board shall consider and pass on all written objections filed. Hearing

4878. If the board overrules the objections to the formation it shall hear any person objecting to the inclusion in the proposed district of any particular territory and may, upon the hearing, exclude any territory that would not be benefited by inclusion. At the conclusion of the hearing the board may by resolution abandon the proposed formation of the district, or it may form the district and fix its boundaries either as set forth in the notice or as modified upon the hearing. The boundaries shall not be changed to include any territory outside the boundaries described in the notice. Change in proposed boundaries
Formation

Article 2.3. Inclusion in County Sanitation District

(Article 2.3 added by Stats. 1947, Ch. 1367)

4879. Any district organized under the provisions of this act may become a part of a county sanitation district after the board of supervisors of the county within which the district is located, has, after a hearing, pursuant to the County Sanitation District Act, found and determined by resolution duly adopted Inclusion in county sanitation district

that such inclusion is for the best interest of the district and the governing body of the district consents thereto by resolution adopted by the affirmative vote of four-fifths of its members.

(Added by Stats. 1947, Ch. 1367.)

Inclusion
not dissolu-
tion

4880. A district which becomes a part of the county sanitation district as hereinabove provided for is not thereby dissolved, but may continue to function, except as otherwise provided in Part 1 of Division 6 of this code, in the same manner as heretofore.

(Added by Stats. 1947, Ch. 1367.)

Article 3. Officers and Powers

Board

4885. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district and for the cleaning, repair, reconstruction, renewal, replacement, operation, and maintenance of lateral and collecting sewers in it.

Property

4886. The board may acquire by gift, condemnation, purchase, or otherwise in the name of the county, and own, control, manage, and dispose of, real and personal property necessary or convenient for the purposes of this chapter, and may perform all of the acts necessary or proper to accomplish such purposes.

(Amended by Stats. 1959, Ch. 1439.)

Powers

4887. The board may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacing, operating, and maintaining the sewers and their appurtenances and may enter into contracts for the purchase of water to be used in flushing the sewers and for the disposal of sewage collected in the district.

Change of
district
name

4887.5. The board may by resolution change the name of any district to conform with a change in the street name or other designation which the district bears. The clerk shall file in the office of the county assessor and with the State Board of Equalization a certified copy of every such resolution, and upon such filing the name of the district shall be changed for all purposes.

(Added by Stats. 1953, Ch. 694.)

Contracts
with gov-
ernmental
agencies
re joint
facilities

4888. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance

of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

Article 4. Finances and Taxation

4890. The clerk shall file in the office of the county assessor a certified copy of each resolution of the board that affects a district in any of the following ways: Filing of
copies of
resolutions

- (a) Establishes it.
- (b) Annexes territory to it.
- (c) Withdraws territory from it.
- (d) Dissolves it.

The county assessor shall thereafter in making up the assessment roll segregate on it the property included in the district.

(Amended by Stats. 1949, Ch. 699.)

4891. The board may levy a tax each year upon the real property in the district sufficient to defray the cost of maintaining, operating, and repairing the sewers in the district, of maintaining the district, and of meeting such other expenditures as are authorized by this chapter. Tax

(Amended by Stats. 1943, Ch. 197.)

4892. The tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of the district and shall be used only in furtherance of the purposes of this chapter. Levy and
collection

Transfer of
county funds

4893. If a district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board is hereby authorized to transfer funds of the county not immediately needed for county purposes to the maintenance fund of the district to be used for the payment of the expenses of such district until such time as special assessment tax receipts are available therefor. The board shall include in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the maintenance fund of the district out of the first available receipts from the tax levy.

(Added by Stats. 1947, Ch. 599.)

Article 5. Annexation

Territory

4895. Outlying territory, whether incorporated or unincorporated, and whether contiguous or not, may be annexed to a district as provided in this article, except that no portion of any city shall be annexed unless consent of the governing body of the city is first obtained.

(Amended by Stats. 1939, Ch. 596, by Stats. 1953, Ch. 440, and by Stats. 1955, Ch. 167.)

Resolution
setting
hearing

4896. The board may by resolution fix a time and place for a hearing upon the question of the annexation of territory to a district. The resolution shall describe the boundaries of the territory proposed to be annexed.

Time

4897. The date set for the hearing on the proposed annexation shall be at least three weeks after the date of the adoption of the resolution setting the hearing.

Posting

4898. The board shall cause notices of the hearing to be posted in at least three conspicuous places in the territory proposed to be annexed and in at least three conspicuous places in the district. However, if the territory proposed to be annexed is in more than one existing district the notices shall be posted in at least three conspicuous places in each district in which is situated any of the territory proposed to be annexed.

Contents of
notices

4899. The notices shall be headed "notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notices shall be posted not less than 10 days prior to the date set for the hearing. In addition to the notices the board shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation circulated in the district and another in the territory proposed to be annexed that the board deems most likely to give notice of the hearing to the inhabitants of each.

Posting

Publication

4900. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation. Hearing

The board may, by order entered upon its minutes, determine that the territory proposed to be annexed or any part will be benefited by annexation and may order that the boundaries of the district be altered to include that territory. Order of annexation

4901. If the territory annexed to the district comprises a portion of another district formed under the provisions of this chapter, or under the provisions of Chapter 26 (commencing at Section 5820), Part 3, Division 7 of the Streets and Highways Code, upon the annexation becoming complete the territory shall thereupon be withdrawn from the district of which it theretofore formed a part. Annexation of territory in another district

(Amended by Stats. 1957, Ch. 772.)

4902. If the territory annexed to the district comprises all of another district, formed under the provisions of this chapter, or under the provisions of Chapter 26 (commencing at Section 5820), Part 3, Division 7 of the Streets and Highways Code, the theretofore existing district is thereupon dissolved. The funds of the dissolved district shall be transferred to the district to which all its territory has been annexed and all contracts or obligations of the dissolved district become the obligations of the district to which the territory has been annexed. Dissolution of district where all of territory annexed

(Amended by Stats. 1959, Ch. 151.)

4903. The exclusion of territory from one district and its annexation to another district shall not be effective until all outstanding contracts of the district from which it is excluded have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the territory excluded, and until the funds remaining on hand upon the completion of the exclusion and annexation have been apportioned between the district to which the territory was annexed and the district from which it was excluded. Contracts
Expenses

The division of the funds shall be prorated in the proportion that the assessed value of the real property of the territory so excluded bore to the total assessed value of the real property in the district immediately prior to the exclusion. Funds

Article 6. Exclusion

4905. Any portion of a district that will not be benefited by remaining in the district may be excluded as provided in this article. Exclusion

4906. A petition to exclude territory shall be signed by 50 or more freeholders in the portion proposed to be excluded from the district, or by a majority of the freeholders, if there are less than 100 freeholders in the portion proposed to be excluded. The petition shall request the exclusion of that Petition

territory from the district on the ground that it will not be benefited by remaining in the district.

Alternative
procedure

4906.1. As an alternative to the procedure outlined in Section 4906, the board may by resolution entered in its minutes fix a time for a hearing on the question of the exclusion of any portion of a district which will not be benefited by remaining in the district. The time fixed for the hearing shall not be less than 15 or more than 30 days from and after passage of the resolution.

(Added by Stats. 1955, Ch. 167.)

Time and
place of
hearing

4907. Upon receiving a petition to exclude territory the board shall fix a time for hearing it and for hearing protests to the continuance of the remaining territory as a district. The time of hearing shall not be less than 15 nor more than 30 days after the receipt of the petition.

Notice

4908. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in the newspaper circulated in the district that the board deems most likely to give notice to the district's inhabitants of the proposed exclusion.

Hearing

4909. Any person interested may appear at the hearing and object to the exclusion of the territory from the district, or may object to the continuance of the remaining territory as a district, and the board shall consider all objections and shall pass upon them.

Determi-
nation

4910. If the board finds that the territory proposed to be excluded will not be benefited by remaining in the district, and that the territory not proposed to be excluded will be benefited by continuing as a district, it shall by resolution declare the district re-established excluding therefrom the territory found not benefited by remaining in the district.

(Amended by Stats. 1949, Ch. 699, and by Stats. 1955, Ch. 167.)

Property

4911. Upon the exclusion of any territory from the district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

Article 7. Dissolution

Dissolution

4915. A district may be dissolved by the board as provided in this chapter.

Petition

4916. A petition for dissolution shall be signed by 50 or more freeholders and residents of the district, or by a majority of the freeholders and residents if there are less than 100 freeholders and residents in the district, and shall request the dissolution of the district.

Time and
place of
hearing

4917. Upon receiving a petition for dissolution the board shall fix a time for the hearing of the petition, which shall not be less than 15 nor more than 30 days after its receipt.

Notice

4918. At least 10 days prior to the time fixed, the board shall publish a notice of the hearing by one insertion in a newspaper circulated in the district.

4919. At the time appointed for the hearing or at any time to which it is continued, the board shall hear and pass upon the petition and may grant or deny it, and its decision is final. Hearing

4920. If the petition is granted, the board shall by resolution order the dissolution of the district and the district is thereupon dissolved. The property of the district remains the property of the county in which the district is located. Resolution
Property

4921. Upon the inclusion of all the territory of a district in one or more cities, either by reason of annexation or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of the district shall be paid over by the board as provided in this article. Inclusion
of territory
in cities

4922. If all of the district is included in one city, the fund shall be paid to the treasurer of the city and administered by the governing body of the city. Inclusion
in one city

4923. If a part only of the district is so included in one city and the remaining part of the district is included in one or more other cities then such proportionate part of the funds shall be paid to the treasurer of each city as the assessed valuation of the real property of the portion of the district included in each city bore, before being so included, to the total assessed valuation of the real property of the district. Apportion-
ment of
funds

4924. The funds paid over by the district to a city shall be administered by its governing body for the benefit of such portions of the district as are included in the city, and for the purpose of operating and maintaining the sewers in it formerly maintained by the district. Use of funds

4925. When all territory in a district has been included in a city the district is thereupon, by reason of the inclusion, dissolved. Dissolution
by inclusion
of all terri-
tory in city

4926. If less than the whole of a district is included in a city either by reason of annexation or by reason of incorporation proceedings, the territory so included within the city shall continue to remain a part of the district for all purposes until a copy of a resolution adopted by the city requesting exclusion of such territory from the district is received by the board. Upon receipt of such a resolution requesting exclusion of the territory contained within the city, such territory shall be excluded from the district and the remaining territory shall continue as a district. But the exclusion of such territory from the district shall not be effective until all outstanding contracts of the district have expired or the contracts, with the consent of the parties, have been modified or canceled so as to relieve the district of further obligation to pay for future maintenance in the affected territory. Inclusion
of part of
territory
in city

Indebtedness

(Amended by Stats. 1955, Ch. 167.)

CHAPTER 5. SEWER REVENUE BONDS

Article 1. General Provisions and Definitions

- "Works"** 4950. "Works," as used in this chapter, includes sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary, useful, or convenient, for the collection, treatment, purification, or disposal of sewage, and necessary lands, rights of way, or other property.
- "District"** 4951. "District," as used in this chapter, includes city, county, city and county, or any municipal or public corporation or district which is authorized to acquire, construct, own, or operate a sewer system.
(Amended by Stats. 1943, Ch. 765 and by Stats. 1951, Ch. 500.)
- "Governing body"** 4952. "Governing body," as used in this chapter, means the governing body of the district.
- "Clerk"** 4953. "Clerk," as used in this chapter, means the clerk or secretary of the governing body or of the district.
- "Area"** 4954. "Area," as used in this chapter, means the area served, or proposed to be served, by the works, or proposed works.
- "Rates"** 4955. "Rates," as used in this chapter, includes rates and charges.
- "Bonds"** 4956. "Bonds," as used in this chapter, means revenue bonds authorized by this chapter.
- "Treasurer"** 4957. "Treasurer," as used in this chapter, means the treasurer of the district.
- "Owners of improved real property"** 4958. "Owners of improved real property," as used in this chapter, means persons who are recorded on the books of the assessor and tax collector as the owners of lots or parcels of land in the area that are improved by buildings that would be subject to service of works under the provisions of this chapter, on completion of the project.
- Referendum provisions** 4959. The provisions of this chapter regarding a referendum shall be liberally construed to effect the objects of this chapter, and no irregularity or informality shall invalidate the election when it appears that the provisions of law have been substantially complied with.
- Additional and alternative method** 4960. This chapter is an additional and alternative method to those already provided for the acquisition, construction, extension, and operation of the works referred to in this chapter.

Article 2. Resolution

- Resolution of intention** 4965. Before a district acquires or constructs any works under this chapter, its governing body shall adopt a resolution declaring its intention to do so.

4966. The resolution of intention shall contain all of the following: Contents of resolution

(a) A brief and general description of the works. If they are to be constructed, a reference to the plans and specifications that have been prepared and filed by the engineer chosen by the governing body.

(b) The estimated cost of the works to be acquired or constructed, and the amount of bonds to be issued and sold.

(c) A general description of the area to be served by the proposed works, referring to a plat of the area, which shall govern for all details.

(d) An estimate of the number and character of the places and properties to be served by the works, including those ready for immediate service and those in expectancy.

(e) An estimate of the immediate revenue that would be received from the operation of the works, and of future revenues in expectancy.

(f) A statement that revenue bonds of the district will be issued to cover the cost of the works.

(g) A notice of the time and place when persons interested may appear before the governing body and be heard as to any protests or objections they may have against the acquisition or construction of the proposed works and the issuance and sale of bonds.

(Amended by Stats. 1939, Ch. 1124.)

Article 3. Notice, Hearing, and Election

4970. The time set for the hearing shall be not less than 20 nor more than 40 days after the adoption of the resolution. Time of hearing

4971. The governing body shall cause the resolution to be published twice in one or more newspapers published and circulated in the district. If no newspaper is published in the district, then the publication shall be made in a newspaper published in the county in which the district is located. Publication of resolution

4972. A copy of the resolution headed "Notice of Sewer Work," in letters not less than one inch in height, shall be posted in the district along the entire length of that street in the district which, in the opinion of the governing body, is traversed by the largest number of people. The notices shall be posted not less than 300 feet in distance apart, and not less than three notices shall be posted in any case. Posting

4973. Both the posting and the publication shall be completed at least 10 days before the time set for the hearing. Affidavits of publication and of posting shall be filed with the clerk. Completion of posting and publication

4974. At the time set for the hearing, the governing body shall hear all persons or their representatives having any objections to the acquisition or construction of the works as proposed, also any suggestions that may be offered in the way of an amendment or modification of the proposition. The Hearing

governing body may continue the hearing from time to time, and modify the boundaries of the area by eliminating territory, but no new territory shall be added.

Petition
requesting
election

4975. If, before the conclusion of the hearing, a petition signed by not less than 15 per cent of the owners in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of property owners in the area, the governing body shall forthwith call an election in the area for that purpose. The election shall be restricted to the owners of improved real property in the area.

Conduct of
election

4976. If called, the election shall be held and conducted, the votes received and canvassed, and the returns made, determined, and declared, so far as practicable, in accordance with the laws governing the enactment or rejection of city ordinances by means of the initiative or referendum, except that no person is entitled to vote at the election except one owning improved real property in the area.

Votes

4977. If the question goes to an election each owner of improved real property shall have but one vote regardless of the number of lots or parcels of land owned by him. Where property stands in the name of two or more persons each of them shall have a vote. The vote of corporations shall be cast by its president or secretary, properly authorized in writing.

Protest by
majority

4978. If written protests or objections are filed with the governing body, signed by more than one-half of the owners of improved real property in the area, as the owners are shown on the records of the assessor and the tax collector of the district, no further proceedings shall be taken in the matter for six months, and not then without the passage of a new resolution of intention.

Jurisdiction
to proceed

4979. If protest is not filed by a majority of the owners of improved real property in the area, or if the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed.

(Amended by Stats. 1939, Ch. 1124.)

Article 4. Bonds

Purpose of
bonds

4985. The cost of the acquisition or construction of the works for which bonds may be issued includes all of the following:

(a) The cost of all property, rights, easements, and franchises deemed necessary or convenient therefor.

(b) Engineering, clerical, legal, financial, paying and fiscal agent's fees and expenses, cost of bond proceedings, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed twelve (12) months after completion of construction.

(c) All other expenses connected with or incident to the works in the operation and performance of the acts required by this chapter to be done.

(Amended by Stats. 1957, Ch. 8. In effect February 1, 1957.)

4986. Bonds issued and sold under this chapter shall be revenue bonds of the character and form known as "serials." Each bond shall be entitled "sewer revenue bond," and shall be paid and discharged within 40 years from its date.

Serial bonds

Sewer revenue bonds

(Amended by Stats. 1939, Ch. 1124.)

4987. Each bond, except those of the last installment, or one of each annual installment, shall be in multiples of one hundred dollars (\$100), in such amount as the governing body determines, but no bond shall be of greater denomination than one thousand dollars (\$1,000).

Denominations

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 6 percent per annum, and shall, after the first principal maturity, be payable semi-annually by coupon.

Interest

(Amended by Stats. 1939, Ch. 1124, and by Stats. 1951, Ch. 1648.)

4989. The governing body shall prescribe the form of the bonds, and provide that of the indebtedness represented thereby a part shall be payable each year after their date, at a time and place to be designated in the bonds, together with interest, until the whole of the indebtedness has been paid.

Form of bonds

The maturity date of the first bond or series of bonds may be deferred for a period not exceeding five years from the date of the bonds.

Maturity

4990. The number of bonds to be paid each year need not be the same, and the governing body may fix maturities so that the number of bonds retired each year will, in the discretion of the governing body, be most equitable and just; however, all bonds shall be completely paid within 40 years from date of issue.

Retirement of bonds

4991. If the district is a city, the bonds shall be signed by the mayor if there is one; otherwise by the president or chairman of the governing body, and countersigned by the clerk. The seal of the district shall be affixed to the bond. The coupons shall be signed by the treasurer by his engraved or lithographed signature.

Signatures

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

4992. In the ordinance authorizing the issuance of the bonds, provision may be made, but are not limited to provisions:

Optional provisions

(a) That all or part of the bonds are callable, the manner of the call and the premiums to be paid thereon;

(b) That all or part of the bonds are payable at the office of a paying or fiscal agent, within or without the State, and for the payment of fees therefor;

(c) For the pledge of revenues, its nature, and its parity with other sewer revenue bonds issued or to be issued;

(d) For the percentage that annual net revenues shall bear to bond and interest payments;

(e) For reserve, surplus and other funds usual in the issuance of revenue bonds;

(f) For the duties and obligations of the district;

(g) For the remedies of bondholders, which may be in addition to those provided herein;

(h) For the manner of amending or abrogating the bond ordinance or refunding any or all bonds thereunder;

(i) For occurrences in the event of default and the rights and remedies arising therefrom; and

(j) For usual and customary covenants for the security and protection of the payment of the bonds.

(Repealed by Stats. 1939, Ch. 1124; added by Stats. 1957, Ch. 8. In effect February 1, 1957.)

**Deficiency
bonds**

4993. If the proceeds of the bonds for any reason are less than the cost of the works, additional bonds may in like manner be issued and sold to provide for the amount of the deficit, but not to exceed the amount necessary to complete the works according to the original plans and specifications. Such deficiency bonds shall be deemed to be the same in all respects as the original issue, and shall be entitled to payment, without preference or priority over the bonds first issued, and shall be disposed of in like manner.

**Errors,
defects, etc.**

4994. No error, defect, irregularity, informality, and no neglect or omission of any officer of any district in any proceedings under this chapter, that does not affect the jurisdiction of the governing body to order the doing of the acts proposed to be done, avoids or invalidates the proceedings or any bond. The exclusive remedy of any person affected or aggrieved thereby shall be to the governing body as provided in this chapter.

**Bonds
payable
subsequent
to second
installment
of taxes**

4995. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Repealed by Stats. 1939, Ch. 1124. Added by Stats. 1951, Ch. 1648.)

**Actions to
determine
right to
issue and
validity**

4996. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and

their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act. **Judgment**

(Added by Stats. 1951, Ch. 1648.)

4997. In determining the amount of bonds to be issued, the legislative body may include: **Determination of amount**

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 5. Powers

5000. Any district may acquire, construct, and operate works within or without its limits. **Works**

5001. It may acquire by gift, purchase, condemnation, or otherwise, all lands, rights of way, or other property necessary therefor. **Property**

5002. It may issue and sell bonds for the acquisition and construction of works. **Bonds**

(Amended by Stats. 1939, Ch. 1124.)

5003. The governing body shall have supervision and control over the construction, acquisition, and operation of the works, and the collection of rates for their use. **Supervision and control**

5004. The governing body may take all steps and proceedings and make and enter into all contracts or agreements necessary, convenient, or incidental to the performance of its duties or the execution of its powers under this chapter. **Contracts**

5005. It may employ engineers, architects, inspectors, superintendents, a manager, collectors, attorneys, and such other employees as in its judgment are necessary or convenient in the execution of its powers and duties, and may fix their compensation. **Employees**

5006. The governing body shall establish rules and regulations for the use of the works, including all sewers and works connected therewith, as may be necessary or expedient to insure the successful operation of the works. **Rules and regulations**

5007. The governing body shall provide that all public ways or public works damaged or destroyed in carrying out the provisions of this chapter shall be restored or repaired, and placed in their original condition, as nearly as practicable, out of funds provided under this chapter. **Public works damaged or destroyed**

Powers 5008. In the operation of the works, the district may do any or all of the following:

By-products (a) Sell, or otherwise dispose of any water, sewage effluent, fertilizer, or other by-products resulting from the operation of a sewerage system or sewage treatment or disposal plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for those purposes.

Works (b) Construct, maintain, and operate pipe lines or such other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works by sale or disposition for agricultural or industrial purposes, including irrigation, or by discharging or spreading the water or sewage effluent in such manner as to percolate into the underground gravels and replenish natural water resources.

Eminent domain (c) Exercise the power of eminent domain under the Constitution and laws of the State in so far as it may be necessary to carry out the provisions of this chapter.

Contracts with United States (d) Make such contracts with the Reconstruction Finance Corporation or other fiscal agency of the United States as are necessary to meet the requirements of the Emergency Relief and Construction Act of 1932.

Requiring connection with sewerage system 5009. Whenever any community in the district is provided with a sewerage system under this chapter the governing body having jurisdiction over that community shall declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance and shall require all buildings inhabited or used by human beings to be connected with the sewerage system, within 90 days from completion, if the buildings to be served thereby are within 100 feet of the system.

Work by bids or contract 5010. All works acquired or constructed under this chapter where the expense involved exceeds five hundred dollars (\$500), shall be done by contract which shall be awarded to the lowest responsible bidder as provided in this chapter. If the bonds are purchased by the Reconstruction Finance Corporation or other fiscal agency of the United States on condition or request that the governing body have the work performed by day labor instead of by contract, the governing body may comply with the condition or request and the work need not be done by contract.

Compliance with Federal law 47 Stat., 709 5011. The governing body shall comply with all the conditions and requirements of the Emergency Relief and Construction Act of 1932, respecting the employment of labor, and other matters in connection therewith unless they are in conflict with the Constitution and laws of this State.

Notice inviting bids 5012. Before awarding any contract for construction of works the governing body shall cause to be published a notice inviting sealed bids for doing it.

The notice shall refer to the plans and specifications on file. It shall be published twice in a daily, semiweekly, or weekly newspaper, published and circulated in the district, and designated by the governing body. If there is no newspaper published in the district, and the district is less than a county, the notice shall be published in a newspaper in the county in which the district is located.

The time fixed for receiving bids shall be not less than 10 days from the first publication of the notice.

5013. All bids shall be accompanied by a certified check payable to the district for an amount that is not less than 10 per cent of the aggregate of the bid. No bid shall be considered unless accompanied by the check.

Bids accompanied by check

5014. The bids shall be delivered to the clerk. The governing body shall, in open session, publicly open, examine, and declare them.

Opening bids

5015. The governing body may reject all bids if it deems this for the public good, and shall reject all bids other than the lowest regular responsible bidder, and may award the contract to him at the price named in his bid.

Rejection of bids

5016. If the bids are rejected or if no bids are received, the governing body may readvertise for bids as in the first instance without further proceedings.

Readvertising for bids

5017. If the successful bidder fails, neglects, or refuses for 20 days after written notice of the award has been mailed him to enter into the contract to perform the work, the check accompanying his bid, and the amount therein named, shall be declared forfeited to the district, and shall be collected by it and paid into its general fund.

Forfeiture of deposit

5018. Each contractor shall, at the time of entering into the contract, execute a surety bond to the satisfaction and approval of the governing body in a sum not less than 25 per cent of the amount of the contract, conditioned upon its faithful performance.

Faithful performance bond

5019. The contract shall provide that the work shall be commenced within 20 days after the contractor has received written notice from the clerk that there is sufficient money or revenue bonds in the special fund provided to pay the contract price.

Commencement of work

5020. At the time of entering into the contract the contractor shall execute, deliver, and file with the governing body a good and sufficient surety bond, in a sum not less than one-half the total amount payable by the terms of the contract, conditioned upon the payment by the contractor or his subcontractors, for any and all materials, provisions, provender, other supplies, or teams, or the use of implements or machinery used in, upon, or about the performance of the work.

Materialmen's bond

5021. All provisions of the codes and general laws relating to notice and the foreclosure of such liens are applicable, but suit may only be brought on the bond within six months after the expiration of the period for the filing of verified claims.

Foreclosure of lien

Provisions
of bond

5022. In all respects not otherwise provided for in this chapter the bond shall be in conformity with the requirements of the general law of the State regarding contractor's bonds for the benefit of laborers and materialmen, who shall have a first lien against any moneys or bonds due or about to become due the contractor.

Article 6. Finances

Payment of
preliminary
expense from
general fund

5025. All necessary preliminary expenses incurred by the governing body in carrying out this chapter, including the making of surveys, plans, and estimates of costs and revenues, compensation of employees, the giving of notices, taking of options, and all other expenses of whatsoever nature, necessary to be paid prior to the issue and sale of the bonds, may be advanced out of the general fund of the district. The general fund shall be fully reimbursed out of the first money received from the sale of the bonds, and before any other disbursements are made therefrom.

Funds for
compensation
of employees
and other
expenses

5026. All compensation of employees, and all other expenses, incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter.

Use of bond
funds

5027. After reimbursement and repayment to the district of all amounts advanced for preliminary expenses, all money, other than premiums and accrued interest, received from the sale of bonds shall be applied solely to the cost of the works.

Deposit of
revenues

5028. The money received from the collection of the rates, together with any other revenue derived from the operation of the works, shall be deposited in a bank by the treasurer in the same manner that public money is deposited by cities. The money so deposited shall be kept as a separate and distinct fund.

Use of fund

5029. This fund shall be applied as follows:

First, for the payment of the cost of management, maintenance, operation, and repair of the works.

Second, for the required payments into the sinking fund.

Third, the governing body may use any surplus remaining in either or both of the following ways:

(a) For the purchase in the open market of its outstanding unmatured bonds at a price not above par and accrued interest, plus an allowance of six months' interest from date of purchase.

(b) For extensions, or for the enlargement, replacement, or betterment of the works.

Sinking fund

5030. Upon the issuance of bonds the governing body shall by ordinance create a sinking fund for the payment of the bonds and interest, and shall set aside a sufficient amount of the net revenue of the works, after paying the expense of operation, repair, and maintenance, to provide for all of the following:

(a) The interest upon bonds.

(b) The payment of the bonds.

(c) A margin for safety and for the payment of premiums upon bonds retired by call or purchase, which margin, together with any unused surplus of the margin, carried forward from the preceding year, shall equal 10 per cent of all other amounts required to be paid into the sinking fund.

5031. All money received for premium and accrued interest shall be paid into the sinking fund and used for the purposes for which it was created. Payments into sinking fund

5032. A district issuing bonds shall install and maintain a proper system of accounts, showing the amount of revenue received and its application. The district shall at least once a year cause the accounts to be properly audited by a competent auditor. The report of the audit shall be open for inspection at all times by any taxpayer, user of the works, holder of bonds, or any representative of such person. Accounts
Audit

5033. The treasurer is custodian of the funds derived from income received from the works constructed or acquired under the provisions of this chapter. Treasurer

5034. The treasurer shall give a proper surety bond for the faithful discharge of his duties as custodian, which bond shall be fixed and approved by the governing body. The premium on the surety bond shall be paid by the district. Treasurer's bond

Article 7. Rates and Collection

5040. The governing body shall establish just and equitable rates for the use and maintenance of the works, to be paid by the person leasing or occupying the building or premises served thereby or that in any way uses or is served by the works, and may change and readjust the rates from time to time. The rates shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement, and maintenance of the works, and for payment of the sums required to be paid into the sinking fund. Establishment of rates

5041. The governing body shall establish rates that, beyond all reasonable doubt, will bring in sufficient money to meet the interest and principal on all outstanding bonds as they fall due, in addition to the expense of operation. Amount of rates

5042. Whenever it appears that the rates are insufficient to provide enough money to pay the principal and interest, in addition to the operating expenses, and the governing body neglects or refuses to fix adequate rates therefor, any bondholder may petition the superior court for a writ of mandate to compel the governing body to increase the rates to such an extent as will make them sufficient to provide enough money for those purposes. Court order to fix rates

5043. The governing body may establish variable rates for different classes of users, or for different parts of the area, where all or any portion of the sewage works have been previously installed and financed under other laws or methods, so that the variable rates may be most equitable and just to all concerned. Variable rates

**Limitation
on rates**

5044. However, the rates may only be imposed and collected from the users of all or any portion of such works as are constructed with money derived from the sale of the bonds.

**Additional
rates**

5045. If the users of all or any portion of any works previously acquired and financed by other methods receive any additional benefits from the construction or operation of all or any portion of the works subsequently constructed or acquired from the proceeds of the bonds, the governing body may impose reasonable rates on the works previously acquired, but only sufficient to cover the value of the additional benefits.

Hearing

5046. No rates shall be established until after a public hearing, at which all the users of the works and owners of property served or proposed to be served thereby and others interested have opportunity to be heard concerning the proposed rates.

Notice

5047. After introduction of the ordinance, resolution, or order fixing the rate, and before it is finally enacted, notice of the hearing, setting forth the proposed schedule of rates shall be given by one publication in a newspaper published in the district, if there is such a newspaper, but otherwise in a newspaper having general circulation in the district. The notice shall be published at least 10 days before the date fixed in the notice for the hearing. The hearing may be adjourned from time to time.

**Adoption of
ordinance**

5048. After the hearing the ordinance, resolution, or order establishing rates, either as originally introduced or as modified and amended, shall be passed and put into effect.

**Copy of
schedule**

5049. A copy of the schedule of the rates shall be kept on file in the office of the clerk, and shall be open to inspection by any interested person.

**Extension of
rates to new
premises**

5050. The rates for any class of users or property served may be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of hearing or notice.

**Change of
rates**

5051. Any change or readjustment of the rates shall be made in the same manner as the rates were originally established.

**Penalty for
nonpayment**

5052. If the rate is not paid when due, on the first day of each calendar month thereafter a penalty of 10 per cent of the amount of the delinquent rate shall be added.

Collection

5053. The rates and penalties may be collected in the following manner:

Actions

(a) An action may be brought in the name of the district against the person who occupied the property when the service was rendered for the collection of the amount of the delinquent rate and all penalties. A reasonable attorney's fee shall be awarded the plaintiff.

**Attorney's
fee****Rates**

(b) The governing body may provide that the rates shall be collected with the rates for any other utility service rendered by the district and all the rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separate from such other utility service charge.

(c) Such rates may be collected with the rates for any other utility service furnished by a department or agency of such district over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement, in the discretion of such department or agency or public utility owner making the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

(Amended by Stats. 1949, Ch. 1507.)

5054. The remedies specified for collecting and enforcing rates are cumulative and may be pursued alternatively or may be used consecutively when the governing body so determines.

Additional
remedies

If any remedy is invalid, all valid remedies shall remain effectual.

5055. Until the principal and interest of the bonds are fully paid any holder of any bond outstanding at any time may compel the use of any or all of the remedies provided in this chapter.

Bondholder
may compel
collection

5056. After rates are fixed pursuant to this article, any person may pay such rates under protest and bring an action against the governing body in the superior court to recover any money which the governing body refuses to refund. Payments made and actions brought under this section, shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, insofar as those provisions are applicable.

Payments
under
protest

(Added by Stats. 1949, Ch. 865.)

Article 8. Leases

5060. Any district owning or operating works may contract with one or more other cities, counties, sanitation districts, or sanitary districts for the use of the works, but only to the extent of their capacity and without impairing their usefulness, upon such terms and conditions as may be fixed and approved by ordinances of the respective contracting entities. Contracts shall not be made for a period of more than 15 years nor in violation of the provisions of the ordinance authorizing the bonds.

Contract for
use of works

5061. The governing body of the district may by ordinance establish, change, and adjust rates for the service rendered in the lessee-district by the works, against the owners of the premises served, in the manner provided for establishing, changing, and adjusting rates for the service rendered in the district where the works are owned and operated, and

Rates for
leased works

the rates constitute a lien on the property served, and shall be collected as provided for rates made by the owner-district.

Appurtenant
works in
leased system

5062. The necessary intercepting sewers and appurtenant works for connecting the works of the owner-district with the sewerage system of the lessee-district shall be constructed by the owner-district or the lessee-district, or both, upon such terms and conditions as are set forth in the contract, and the cost or that part of the cost which is to be borne by the owner-district may be paid as part of the cost of the works from the proceeds of the bonds unless otherwise provided by the ordinance.

Income from
leased works

5063. The income received by the owner-district under the contract shall, if so provided in the ordinance, be deemed to be a part of the revenue of the works. The owner-district shall deduct from the whole cost and expenses such part as shall be paid by the lessee-district pursuant to the provision of the contract; but no rates shall be imposed or collected from the users of the works or portions thereof except in cases where the works or portions thereof have been acquired by means of the bonds, and unless additional benefits will be derived by the users as a result of the contract. In that case the rates shall be only sufficient to cover the value of the additional benefits.

Article 9. Annexation and Exclusion (Article 9 added by Stats. 1951, Ch. 629)

Charges for
use of works:
Annexed
territories

5070. Territory which has become annexed to a district which has authorized the issuance of bonds pursuant to this chapter, and which territory shall use the works, shall become subject to the rates and charges imposed by the district for the use and maintenance of the works.

(Added by Stats. 1951, Ch. 629.)

Excluded
territories

5071. Territory which has been withdrawn from a district which has authorized the issuance of bonds pursuant to this chapter, and which territory continues to use the works, shall remain liable for the payment of its pro rata share of the rates and charges imposed by the district for the use and maintenance of the works.

(Added by Stats. 1951, Ch. 629.)

Territories
annexed
to cities

5072. A city to which any territory has been annexed, whether or not said territory has been withdrawn from a district which has authorized the issuance of bonds pursuant to this chapter, and which territory continues to use the works, may contract with the district to pay the district annually or at lesser intervals a sum or sums in lieu of the payment by the owners or residents within said territory of the rates and charges imposed by the district for the use and maintenance of the works.

(Added by Stats. 1951, Ch. 629.)

CHAPTER 6. GENERAL PROVISIONS WITH RESPECT TO SEWERS

Article 1. Rights of Way for Sewers and Drainage

5400. The board of supervisors of a county may vacate or abandon easements for sewage or drainage purposes whenever it determines that they are no longer required for public use.

Abandonment of easements and rights of way

Article 2. Sewage and Industrial Waste

(Article 2 repealed and added by Stats. 1949, Ch. 1550)

5410. As used in this chapter:

(a) "Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Sewage"

(b) "Industrial Waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Industrial Waste"

(c) "Person" as used in this article also includes any city, county, and any district.

"Person"

(d) "Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Waters of the State"

(e) "Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

"Contamination"

(f) "Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use.

"Pollution"

(g) "Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"Nuisance"

(h) "Regional board" means any regional water pollution control board created pursuant to Section 13041 of the Water Code.

"Regional board"

(Repealed and added by Stats. 1949, Ch. 1550.)

5411. No person shall discharge sewage or industrial waste, or the effluent of treated sewage or industrial waste, in any manner which will result in contamination, pollution or a nuisance.

Discharge prohibited

(Repealed and added by Stats. 1949, Ch. 1550.)

Abatement
order

5412. Whenever the state department or any local health officer finds that a contamination exists, the department or officer shall order the contamination abated, as provided in this chapter.

(Repealed and added by Stats. 1949, Ch. 1550.)

Action by
regional
board

5413. Whenever the state department finds that a pollution or nuisance does, in fact, exist, such condition shall be immediately referred by the department to the proper regional board for action, together with any recommendations for correction. Upon request of a regional board the state department shall inspect and report to the board on any technical factors involved in any condition of pollution or nuisance.

(Repealed and added by Stats. 1949, Ch. 1550.)

Ratification
of state,
county, etc.,
officers'
action

5414. With respect to any condition of contamination, the state department may accept the action of any state, county, or municipal officer or agency having jurisdiction over the matter as sufficient.

(Repealed and added by Stats. 1949, Ch. 1550.)

Inapplica-
bility of
provisions

5415. No provision in this chapter is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

(Repealed and added by Stats. 1949, Ch. 1550.)

Water
closets at
construction
job sites

5416. (a) There shall be not less than one water closet for each 20 employees or fractional part thereof working at a construction job site.

(b) The water closet shall consist of a patented chemical type privy, or a pit privy; provided, however, that a pit privy shall consist of a pit at least four feet deep with a well-constructed shelter, the openings of which shall be flyproofed, and with respect to which adequate sanitary and safe flooring shall be provided. With the approval of the local health officer other types of toilet facilities or modifications of those specified may be allowed.

(c) For the purpose of this section the term construction site shall mean the location on which actual construction of a building is in progress.

(d) A violation of this section shall constitute a misdemeanor.

(Repealed by Stats. 1949, Ch. 1550; added by Stats. 1951, Ch. 984; amended by Stats. 1953, Ch. 433.)

- 5417. (Repealed by Stats. 1949, Ch. 1550.)
- 5418. (Repealed by Stats. 1949, Ch. 1550.)
- 5419. (Repealed by Stats. 1949, Ch. 1550.)
- 5420. (Repealed by Stats. 1949, Ch. 1550.)
- 5421. (Repealed by Stats. 1949, Ch. 1550.)
- 5422. (Repealed by Stats. 1949, Ch. 1550.)
- 5423. (Repealed by Stats. 1949, Ch. 1550.)
- 5424. (Repealed by Stats. 1949, Ch. 1550.)
- 5425. (Repealed by Stats. 1949, Ch. 1550.)
- 5426. (Repealed by Stats. 1949, Ch. 1550.)
- 5427. (Repealed by Stats. 1949, Ch. 1550.)
- 5428. (Repealed by Stats. 1949, Ch. 1550.)
- 5429. (Repealed by Stats. 1949, Ch. 1550.)
- 5430. (Repealed by Stats. 1949, Ch. 1550.)
- 5431. (Repealed by Stats. 1949, Ch. 1550.)
- 5432. (Repealed by Stats. 1949, Ch. 1550.)
- 5433. (Repealed by Stats. 1949, Ch. 1550.)
- 5434. (Repealed by Stats. 1949, Ch. 1550.)
- 5435. (Repealed by Stats. 1949, Ch. 1550.)
- 5436. (Repealed by Stats. 1949, Ch. 1550.)
- 5437. (Repealed by Stats. 1949, Ch. 1550.)
- 5438. (Repealed by Stats. 1949, Ch. 1550.)
- 5439. (Repealed by Stats. 1949, Ch. 1550.)
- 5440. (Repealed by Stats. 1949, Ch. 1550.)
- 5441. (Repealed by Stats. 1949, Ch. 1550.)
- 5442. (Repealed by Stats. 1949, Ch. 1550.)
- 5443. (Repealed by Stats. 1949, Ch. 1550.)
- 5444. (Repealed by Stats. 1949, Ch. 1550.)
- 5445. (Repealed by Stats. 1949, Ch. 1550.)

Article 3. Procedure for Abatement

(Article 3 repealed and added by Stats. 1949, Ch. 1550)

5460. The state department or local health officer may issue **Peremptory order** a peremptory order requiring the abatement of a contamination, and shall immediately furnish to the proper regional board a report of information and data relating thereto.

Coincident with issuing such order, or if any order or regulation is not complied with, the director or local health officer may bring and prosecute an action for an **Injunction** in the superior court of the county in which the contamination occurs.

(Amended in identical language by Stats. 1945, Ch. 979 and Ch. 1337; repealed and added by Stats. 1949, Ch. 1550; amended by Stats. 1959, Ch. 1299.)

5461. Any person who discharges sewage or industrial **Penalty** waste in any manner which results in contamination is guilty of a misdemeanor.

(Amended by Stats. 1945, Ch. 979; repealed by Stats. 1945, Ch. 1337; added by Stats. 1949, Ch. 1550.)

5462. Any action taken pursuant to this article with **Defendants** respect to the abatement of contamination created by the dis-

posal of sewage or industrial waste from a community or cooperative sewerage system, shall be taken only against the agent or the agency operating such system and the contributor or contributors to the system whose waste in and of itself creates a contamination.

(Repealed and added by Stats. 1949, Ch. 1550.)

Lien for
sewer con-
nection costs

5463. Any health officer or governing board of any city, county, or sanitary district, having served written notice upon the owner or reputed owner of land upon which there is a dwelling house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

Enforcement

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by order entered upon its minutes, declare that the amount of the costs of such work and the administrative expenses incurred by the governing body incident to the proceedings, together with other charges uniformly applicable within the jurisdiction of the governing body for the connection of the premises to the public sewer, shall be transmitted to the assessor and tax collector of the public agency, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

Same

The liens provided for by this section shall be enforced in the same manner as those provided for by Chapter 2 of Title 4, Part 3 of the Code of Civil Procedure.

(Amended in identical language by Stats. 1945, Ch. 979 and Ch. 1337; repealed by Stats. 1949, Ch. 1550; added by Stats. 1951, Ch. 1159; amended by Stats. 1955, Ch. 1874.)

NOTE: Stats. 1951, Ch. 1159 also contained the following provision:

SEC. 5. It is the intent of the Legislature to accomplish by this act only a general revision of the law relating to mechanics' liens. Nothing in this act contained shall be construed as an alteration in the public policy or legislative intent regarding such law, nor in the meaning or substance thereof.

5464. (Amended by Stats. 1945, Ch. 979; repealed by Stats. 1945, Ch. 1337.)

Article 4. Sanitation and Sewerage Systems
(Article 4 added by Stats. 1945, Ch. 979)

5470. The following words wherever used in this article shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words: Definitions

(a) Assessment Roll. "Assessment roll" refers to the assessment roll upon which general taxes of the entity are collected.

(b) Auditor. "Auditor" means the financial officer of the entity.

(c) Clerk. "Clerk" means the official clerk or secretary of the entity.

(d) Chambers. "Chambers" refers to the place where the regular meetings of the legislative body of the entity are held.

(e) Entity. "Entity" means and includes counties, cities and counties, cities, sanitary districts, county sanitation districts, sewer maintenance districts, and other public corporations and districts authorized to acquire, construct, maintain and operate sanitary sewers and sewerage systems.

(f) Rates or Charges. "Rates or charges" shall mean fees, tolls, rates, rentals or other charges for services and facilities furnished by an entity in connection with its sanitation or sewerage systems.

(g) Real Estate. "Real estate" includes:

(1) The possession of, claim to, ownership of, or right to possession of land; and

(2) Improvements on land.

(h) Tax Collector. "Tax collector" means the officer who collects general taxes for the entity.

(Original 5470, now 5471. Present 5470, formerly 5471; added by Stats. 1947, Ch. 1367; amended and renumbered 5470 by Stats. 1953, Ch. 862.)

5471. Any entity shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it, either within or without its territorial limits, in connection with its sanitation or sewerage systems; provided, that the entity may provide that such charge for such service shall be collected with the rates, tolls and charges for any other utility, and that any or all such charges may be billed upon the same bill; provided further, that where such charge is to be collected with the charges for any other utility service furnished by a department or agency of such entity and over which its legislative body does not exercise control, the consent of such department or agency shall be obtained prior to collecting sani- Charge for service

tation or sewerage charges with the charges for any other utility. Revenues derived under the provisions in this section, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of water systems and sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such water systems and sanitary or sewerage facilities and to repay federal or state loans or advances made to such entity for the construction or reconstruction of water systems and sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

(Original 5471, now 5470. Present 5471, formerly 5470; added by Stats. 1945, Ch. 979; amended by Stats. 1949, Ch. 319, and by Stats. 1951, Ch. 719; amended and renumbered 5471 by Stats. 1953, Ch. 862.)

Collection
agreements

5472. Such rates may be collected with the rates for any other utility service furnished by a department or agency of such entity over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of said department or agency or public utility owner, which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement, in the discretion of such department or agency or public utility owner making the collections, also may provide that said rates shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such other utility service charge.

(Added by Stats. 1949, Ch. 865 and Ch. 1507; amended by Stats. 1953, Ch. 862.)

Collection
on tax roll

5473. Any entity which has adopted an ordinance pursuant to this article or an order pursuant to Section 6520.5 may, by such ordinance or by separate ordinances approved by a two-thirds vote of the members of the legislative body thereof, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In such event, it shall cause a written report to be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for said year, computed in conformity with the charges prescribed by said ordinance.

The powers authorized by this section shall be alternative to all other powers of any entity, and alternative to other procedures adopted by the legislative body thereof for the collection of such charges.

The real property may be described by reference to maps prepared in accordance with Section 327, Revenue and Taxa-

tion Code, and on file in the office of the county assessor or by reference to plats or maps on file in the office of the clerk.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862, and by Stats. 1957, Ch. 381.)

5473a. Any entity may make the election specified in Section 5473 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies. Delinquent
charge
collection:
Report

(Added by Stats. 1953, Ch. 1259.)

5473.1. The clerk shall cause notice of the filing of said report and of a time and place of hearing thereon to be published pursuant to Section 6066 of the Government Code prior to the date set for hearing, in a newspaper of general circulation printed and published within the entity if there is one and if not then in such paper printed and published in the county within which the greater part of such district is located. Notice

Before any entity may have such charges collected on the tax roll for the first time following the effective date of this section, the clerk shall cause a notice in writing of the filing of said report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to said clerk. If the legislative body adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862, and by Stats. 1957, Ch. 357.)

5473.2. At the time stated in the notice, the legislative body shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If the legislative body finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land. Hearing

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862.)

5473.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report which determination shall be final. Determi-
nations

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862.)

Report

5473.4. On or before the tenth day of August of each year following such final determination, the clerk shall file with the auditor a copy of said report with a statement endorsed thereon over his signature that it has been finally adopted by the legislative body of the entity and the auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the entity they shall be added to the assessment roll of such entity for the purpose of collecting such charges. If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the charges, as shown in the report.

(Added by Stats. 1951, Ch. 294; amended by Stats. 1953, Ch. 862.)

5473.4a. (Added by Stats. 1951, Ch. 294; amended and renumbered 5473.5 by Stats. 1953, Ch. 862.)

Lien

5473.5. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

(Original 5473.5, now 5473.6. Present 5473.5, formerly 5473.4a; added by Stats. 1951, Ch. 294; amended and renumbered 5473.5 by Stats. 1953, Ch. 862.)

Inclusion
on tax bill

5473.6. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

(Original 5473.6, now 5473.7. Present 5473.6, formerly 5473.5; added by Stats. 1951, Ch. 294; amended and renumbered 5473.6 by Stats. 1953, Ch. 862.)

Collection

5473.7. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the entity, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

(Original 5473.7, now 5473.8. Present 5473.7, formerly 5473.6; added by Stats. 1951, Ch. 294; amended and renumbered 5473.7 by Stats. 1953, Ch. 862.)

Application
of laws

5473.8. All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

(Original 5473.8, now 5473.9. Present 5473.8, formerly 5473.7; added by Stats. 1951, Ch. 294; amended and renumbered 5473.8 by Stats. 1953, Ch. 862.)

Separate
bills

5473.9. The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for an entity other than the

county in an amount to be fixed by agreement between the board of supervisors and the legislative body of the entity. The compensation shall not exceed 1 percent of all money collected. The compensation shall be paid into the county salary fund.

(Original 5473.9 added by Stats. 1951, Ch. 294; repealed by Stats. 1953, Ch. 862. Present 5473.9, formerly 5473.8; added by Stats. 1951, Ch. 294; amended and renumbered 5473.9 by Stats. 1951, Ch. 862.)

5473.10. (Added by Stats. 1951, Ch. 294; repealed by Stats. 1953, Ch. 862.)

5473.11. (Added by Stats. 1951, Ch. 294; repealed by Stats. 1953, Ch. 862.)

5474. A county sanitation district shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels of land affected, which notice shall set forth the following:

Ordinance
fixing fees
and charges

Notice

1. The schedule of fees or charges to be imposed by the district.

2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body, or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1957, Ch. 381.)

Publication
of notice

5474.1. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date set for hearing. At least 10 days prior to the date of hearing written notice thereof shall be mailed to all persons owning land subject to such fees or charges, whose names and addresses appear on the last equalized county assessment roll.

(Added by Stats. 1953, Ch. 578; amended by Stats. 1957, Ch. 357.)

Hearing

5474.2. At the time stated in the notice the legislative body shall hear and consider all objections or protests, if any, to the imposition of the fees or charges as set forth in said notice and may continue the hearing from time to time.

(Added by Stats. 1953, Ch. 578.)

Determina-
tion

5474.3. Upon the conclusion of the hearing, the legislative body may adopt, revise, change, reduce or modify the fees or charges or may overrule any or all objections and make its determination, which determination shall be final.

(Added by Stats. 1953, Ch. 578.)

Lists

5474.4. On or before the tenth day of August of each year following such final determination, the legislative body shall certify to the auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll. In the event a lot or parcel connected to the facilities is subsequently divided into two or more lots or parcels as shown on the current assessment roll, the legislative body shall designate the lot or parcel that remains connected to the facilities and against which the installments of the fees or charges and interest are to be entered.

(Added by Stats. 1953, Ch. 578.)

Lien

5474.5. The auditor shall enter on the current assessment roll the amounts of the installments of such fees or charges and interest and the amounts thereof shall constitute a lien against the lot or parcel of land against which levied as of noon on the first Monday in March immediately preceding the date of entry.

(Added by Stats. 1953, Ch. 578.)

Inclusion
on tax bill

5474.6. The tax collector shall include the amounts of the installments of fees or charges and the interest on bills for taxes levied against the respective lots and parcels of land. Thereafter, all laws applicable to the levy, collection and enforcement of county taxes, including penalties and interest thereon and cancellation or refund thereof, shall be applicable to such installments of fees or charges and interest.

(Added by Stats. 1953, Ch. 578.)

Separate
bills

5474.7. The tax collector may, in his discretion, issue separate bills for such installments of fees or charges and interest. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such installments of fees or charges and interest in an amount to be

fixed by agreement between the board of supervisors and the legislative body of the district. The compensation shall not exceed 1 percent of all money collected for the district.

(Added by Stats. 1953, Ch. 578.)

5474.8. Fees or charges imposed by a county sanitation district by ordinance adopted pursuant to Section 5474 may differ in amount or method of computation from fees or charges imposed by any other ordinance of such district adopted pursuant to said Section 5474. Amount;
computation

(Added by Stats. 1953, Ch. 578.)

5474.9. Revenues derived from fees or charges imposed pursuant to Section 5474 shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities, to pay municipalities for sewer service collection charges, to repay principal and interest on bonds issued for construction or reconstruction of such sanitation or sewerage facilities and to repay federal or state loans or advances made to such county sanitation districts for the construction or reconstruction of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers. Use of
revenue

(Added by Stats. 1953, Ch. 578.)

5474.10. The authority for the imposition of fees or charges by county sanitation districts pursuant to Section 5474 shall be in addition to the authority granted to such districts by Section 5471, Section 5473, and by any other law authorizing such districts to establish fees, tolls, rates, rentals or other charges. Authority

(Added by Stats. 1953, Ch. 578.)

CHAPTER 7. EFFECT ON PREVIOUS LAWS

5475. No right or obligation accrued by the formation or operation of a municipal sewer district pursuant to the provisions of Chapter 673, Statutes of 1909, is affected by the repeal of that act, and any district organized may continue in existence and subject to that act. Effect of
repeal of
Stats. 1909,
p. 1011

CHAPTER 8. COUNTY SEWERAGE AND WATER DISTRICTS

(Chapter 8 added by Stats. 1949, Ch. 1491)

(Chapter 8 repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 8, provided as follows:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

Article 1. General Provisions (Article 1 added by Stats. 1949, Ch. 1491)

- "Sewerage and Water District Act"** * 5500. This chapter shall be known and cited as the "Sewerage and Water District Act."
(Added by Stats. 1949, Ch. 1491.)
- "District"** * 5501. "District," as used in this chapter, means any county sewerage and water district formed pursuant to this chapter.
(Added by Stats. 1949, Ch. 1491.)
- "District board"** * 5502. "District board," as used in this chapter, means the board of directors of a district.
(Added by Stats. 1949, Ch. 1491.)
- Formation, etc.** * 5503. Districts may be formed, maintained, and governed in any county as provided in this chapter.
(Added by Stats. 1949, Ch. 1491.)
- Act not applicable** * 5504. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933."
(Added by Stats. 1949, Ch. 1491.)

Article 2. Formation (Article 2 added by Stats. 1949, Ch. 1491)

- Resolution of intention** * 5510. A board of supervisors desiring to form a sewerage and water district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following:
- (a) A statement of the intention to form a district.
 - (b) The boundaries of the proposed district or some other designation of its territorial extent.
 - (c) The name of the proposed district.
 - (d) The time and place where objections to the formation of the district or to its extent will be heard.
 - (e) Instructions to the clerk of the board to publish the resolution and notices of hearing.
- (Added by Stats. 1949, Ch. 1491.)
- Territory** * 5511. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.
- Exempt territory** The district shall not include the whole or any part of any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district within the district is in the public interest and the territory affected will benefit thereby.

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

Notice of such hearing shall be given by publication in at least two successive issues, not more than thirty nor less than ten days prior to the hearing, in a newspaper of general circulation published within the county. Notice

(Added by Stats. 1949, Ch. 1491.)

* 5512. The time to be fixed for the hearing of objections shall be not less than thirty days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the board of supervisors or else at some place in the proposed district. Time for hearing

(Added by Stats. 1949, Ch. 1491.)

* 5513. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district. Publication

(Added by Stats. 1949, Ch. 1491.)

* 5514. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors may exclude any territory that in its opinion will not be benefited by being in the district. Protests

(Added by Stats. 1949, Ch. 1491.)

* 5515. If written objection to the formation of the district, signed by 2 percent of the voters registered in the district, is filed with the board, it shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election. Filing of protests
Formation

(Added by Stats. 1949, Ch. 1491.)

* 5516. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk, shall be appointed. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors. Election:
Notice

(Added by Stats. 1949, Ch. 1491.)

* 5517. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the Canvass

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

(Added by Stats. 1949, Ch. 1491.)

Order of
formation

* 5518. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory. The order shall also designate individuals appointed by the board of supervisors to serve as members of the district board representing the unincorporated area within the district. The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing.

(Added by Stats. 1949, Ch. 1491.)

Article 3. Officers

(Article 3 added by Stats. 1949, Ch. 1491)

Board

Presiding
officer

Members

* 5530. The governing body of a district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the district, is a member of the district board.

If unincorporated territory and territory of but one city is included in the district, two members of the district board shall be appointed from such unincorporated territory, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event one member appointed from such unincorporated territory and the presiding officer of the governing body of the city and one other member of the city governing body constitute the district directors.

Whenever unincorporated territory and all or parts of two or more cities are included in the district one member of the district board shall be appointed from the unincorporated territory included within the district.

If the district contains no unincorporated territory, the district board shall consist of the presiding officers of the governing bodies of the cities wholly or in part in the district; and if only two cities or parts thereof are in the district, one additional member shall be selected from the governing body of each of the cities.

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed constitutes the district board.

In case of the absence of the presiding officer of the governing body of a city, or his inability to act as a member of the district board, then an alternate member of such governing body may be selected, who shall be a member of the district board to act in place of such presiding officer during his absence or inability to act.

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

* 5531. Each director shall, except as otherwise provided in this division, be a voter and a freeholder of the district and a resident of the city or territory which he represents. Qualifications of director

(Added by Stats. 1949, Ch. 1491.)

* 5534. If additional territory is annexed to the district as well as whenever any change takes place in the character of the territory, by the incorporation of a city or otherwise, resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately. Change of membership

(Added by Stats. 1949, Ch. 1491.)

* 5534.5. Vacancies occurring in the membership of a district board shall be filled by appointment for the unexpired term by the board of supervisors or the city council as the case may be. Vacancies

(Added by Stats. 1949, Ch. 1491.)

* 5535. The county auditor of the county in which the district is formed is ex officio the auditor of the district. Auditor

(Added by Stats. 1949, Ch. 1491.)

* 5536. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed ten dollars (\$10) for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 5530 that are occupied by members of said district board. Compensation
Limitation on compensation

(Added by Stats. 1949, Ch. 1491.)

Article 4. District Powers

(Article 4 added by Stats. 1949, Ch. 1491)

* 5539. A district may employ such sanitation experts, surveyors, counsel, and other persons as are needed to carry into effect any powers of the district. Use of sanitation experts, surveyors, etc.

(Added by Stats. 1949, Ch. 1491.)

* 5540. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant. Acquisition of property

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

Sewage
disposal
plants, etc.

* 5541. It may construct, maintain, and operate within or without the district a sewerage system and sewage disposal or treatment plant.

(Added by Stats. 1949, Ch. 1491.)

Joint
operations

* 5542. It may join with any other district, city, state or other governmental agency or any other agency, and any other district, city, state, or other governmental agency may join with any district formed hereunder and may perform all the functions then required, in the construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, either within or without the district, or so join for any combination of these purposes, but no such sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.

(Added by Stats. 1949, Ch. 1491.)

Disposal of
property

* 5543. It may sell, lease, or otherwise dispose of any property of the district or any interest therein whenever it is no longer required for the purposes of the district, or when its use may be permitted without interfering with its use by the district.

(Added by Stats. 1949, Ch. 1491.)

By-products

* 5544. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other by-products resulting from the operation of a sewerage system, sewage disposal plant, or treatment plant, and construct, maintain, and operate such pipe lines and other works as may be necessary for that purpose.

(Added by Stats. 1949, Ch. 1491.)

Pipe lines,
etc.

* 5545. It may construct, maintain, and operate such pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

(Added by Stats. 1949, Ch. 1491.)

Bonds

* 5546. It may issue bonds.

(Added by Stats. 1949, Ch. 1491.)

Fees,
charges, etc.

* 5546.5. It shall fix and collect user taxes, fees, tolls or charges for the use of facilities maintained and operated by the district sufficient in amount to pay principal and interest of bonds and for expenses of the district in maintaining, operating, extending and repairing any work or improvement of the district, and to defray all other expenses incidental to the exercise of any of the district's powers.

Payment

Such charges, in the amount fixed, shall be paid by the user of the facilities, including but not limited to the State, any

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

department, or agency thereof, counties, cities, districts, or any public corporation, and shall constitute a debt owed by such user to the district. The charges fixed for public agencies shall not be higher proportionately than the rates fixed for similar use by other users.

(Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 429.)

* 5546.6. It may enter into an agreement with any publicly or privately owned utility furnishing water for domestic purposes for the collection of such user taxes, fees, tolls and charges by such utility, and may include as one of the terms of any such contract a requirement that the water supply of any user shall be shut off in the event of failure or refusal of such user to pay such taxes, fees, tolls, or charges. Collection

(Added by Stats. 1949, Ch. 1491.)

* 5546.7. Immediately after the completion of any acquisition, construction or improvement under this act, the engineer shall prorate the entire cost thereof against all real property in the district in such manner as may in the opinion of the engineer provide an equitable distribution of costs. In no event shall any owner of property be permitted to connect to such sewerage or water system without first paying or agreeing in writing to pay either in a lump sum or by installments the prorated charge placed against said property by the engineer. All sums paid by property owners who subsequently are permitted to connect with such system shall be available for the payment of any indebtedness incurred in connection with such acquisition, construction or improvement, and in the event there is no such indebtedness, all sums so paid shall be refunded to the owners of property connected with such system in the proportion that the cost against owners of property bears to the entire cost of such acquisition, construction or improvement. Proration of cost

(Added by Stats. 1949, Ch. 1491.)

* 5547. It may cause to be levied and collected taxes upon all the taxable real property in the district when it determines that the revenue to be derived from all other sources will not be sufficient to meet the obligations evidenced by its bonds, to maintain the works of the district, and to defray all other expenses incidental to the exercise of the district powers. Use of funds

(Added by Stats. 1949, Ch. 1491.)

* 5548. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment, and disposal. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth: Refund

(a) A general description of existing facilities for sewage collection, treatment, and disposal. Employment of sanitary engineers

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8. Report

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

(Added by Stats. 1949, Ch. 1491.)

Surveyors

* 5549. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report. The district board at any time may remove any or all engineers or other persons employed, and may fill all vacancies.

Removal of employees

(Added by Stats. 1949, Ch. 1491.)

Action on report

* 5550. When the engineers' report is filed the district board shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of this chapter and is satisfactory to the board it shall fix a time and place for hearing objections to the report and to doing all or any part of the work referred to in the report.

Protests

(Added by Stats. 1949, Ch. 1491.)

Notice of hearing

* 5551. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from time to time continued, the board shall hear all objections.

(Added by Stats. 1949, Ch. 1491.)

Adoption of report

* 5552. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

(Added by Stats. 1949, Ch. 1491.)

Publication

* 5553. The district board may, thereafter, have such portions of the report as are adapted to publication, or a resume, published for free public distribution.

(Added by Stats. 1949, Ch. 1491.)

Superintending of work

* 5554. The engineers employed by the district board to make the report required by this chapter, or other engineers, shall be directed by the district board to superintend the doing of the work recommended to be done in the report as approved and adopted.

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

* 5555. The work, or any portion of it, may be done in any of the following ways as ordered by the district board: Work procedure

(a) By purchasing the material and doing the work by day labor not to exceed two thousand dollars (\$2,000).

(b) By purchasing the material and letting a contract for the doing of the work.

(c) By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

(Added by Stats. 1949, Ch. 1491.)

* 5556. Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for bids. Sealed bids

(Added by Stats. 1949, Ch. 1491.)

* 5557. The notice shall be published once a week for at least two successive weeks in a newspaper circulated in the county and shall refer to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars (\$1,000), and there is no purchasing agent, the material shall be purchased from the lowest responsible bidder. Publication

(Added by Stats. 1949, Ch. 1491.)

* 5557.1. Wages paid in accordance herewith shall conform to requirements of Section 1771 of the Labor Code. Wage standard

(Added by Stats. 1949, Ch. 1491.)

* 5558. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made. Modification of report

(Added by Stats. 1949, Ch. 1491.)

* 5558.1. Whenever any land which is under jurisdiction of the State Lands Commission is selected by a district for a right of way, the board thereof must transmit to the State Lands Commission a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands. Land under jurisdiction of State Lands Commission

(Added by Stats. 1949, Ch. 1491.)

* 5559. A right of way in or across any public highway, street, or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for doing any of the work, except that use of any state highway right of way shall be subject to Rights of way

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

the provisions of Chapter 3 of Division 1 of the Streets and Highways Code.

(Added by Stats. 1949, Ch. 1491.)

Eminent
domain

* 5560. The district board may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system, or any sewage disposal or treatment plant necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation district.

A compliance with this chapter is sufficient to authorize such an agreement by either a county sewerage and water district, city, or other public agency entering into such a contract with a county sewerage and water district.

Payment of
outstanding
bonds

Whenever any sewerage system, or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of its funds the outstanding bonds according to their terms, and the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency.

Acquisition
of funds

Funds may be obtained by the districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds.

(Added by Stats. 1949, Ch. 1491.)

Contracts
for use of
system, etc.

* 5561. Any city or public agency in the district may enter into an agreement with the district for the use, or entire possession and operation, by the district of any sewerage system, or sewage disposal or treatment plant owned or operated by the city or public agency.

(Added by Stats. 1949, Ch. 1491.)

Condem-
nation of
cesspools,
etc.

* 5562. Whenever any area in the district is provided with a sewerage system the governing body of the city in which the area lies may declare the further maintenance or use of cesspools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with the sewerage system.

(Added by Stats. 1949, Ch. 1491.)

Implied
powers

* 5563. All powers of the district shall be exercised by the district board unless otherwise specified.

(Added by Stats. 1949, Ch. 1491.)

Powers

* 5564. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

* 5565. (Added by Stats. 1951, Ch. 1648; repealed by Stats. 1953, Ch. 263.)

Article 4.5. Application of Other Statutes
(Article 4.5 added by Stats. 1949, Ch. 1491)

* 5570. Except as to state highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the board of any district may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways, or public places of the district, or in property or in rights of way owned by the district, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a special district. Special assessment

(Added by Stats. 1949, Ch. 1491.)

* 5571. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to districts. Applicable statutes

(Added by Stats. 1949, Ch. 1491.)

* 5572. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings: Definitions

- (a) "City council," and "council," mean board.
- (b) "City," and "municipality," mean district.
- (c) "Clerk," and "city clerk," mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer," mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector," means county tax collector.
- (f) "Treasurer," and "city treasurer," mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way," means any parcel of land through which a right of way has been granted to the district for the purpose of constructing and maintaining a sewer.

(Added by Stats. 1949, Ch. 1491.)

* 5573. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district. Exercise of powers

(Added by Stats. 1949, Ch. 1491.)

* 5574. The improvements authorized to be constructed or acquired under this article are restricted to those permitted to Limitation

* NOTE: Chapter 8, consisting of Sections 5500-5566, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

be constructed or acquired by such districts under Article 4 of this chapter.

(Added by Stats. 1949, Ch. 1491.)

Lien * 5575. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

(Added by Stats. 1949, Ch. 1491.)

Article 5. Bonds

(Article 5 added by Stats. 1949, Ch. 1491)

Bond election * 5580. After the approval and adoption of an engineers' report the district board shall submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution.

(Added by Stats. 1949, Ch. 1491.)

Resolution * 5581. The resolution shall state all of the following:

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The type of bonds proposed to be issued, whether revenue bonds or general obligation bonds.

(d) The amount of the bonds proposed to be issued.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the times specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

(Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 1648.)

Determination of amount * 5581.1. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and

* NOTE: Chapter 8, consisting of Sections 5500-5566, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

* 5582. For the purposes of the bond election the district Precincts board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

(Added by Stats. 1949, Ch. 1491.)

* 5583. An election board consisting of one inspector, one Election board judge, and one clerk shall be appointed by the district board for each precinct.

(Added by Stats. 1949, Ch. 1491.)

* 5584. Only voters registered in the district are eligible to Voters vote at the bond election.

(Added by Stats. 1949, Ch. 1491.)

* 5585. The resolution calling the election shall be published Notice once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

(Added by Stats. 1949, Ch. 1491.)

* 5586. If two-thirds of the votes cast are in favor of incur- Two-thirds vote ring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

(Added by Stats. 1949, Ch. 1491.)

* 5587. The validity of the bonds after their issuance shall Validity of bonds not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given.

(Added by Stats. 1949, Ch. 1491.)

* 5588. The district board shall prescribe by resolution the Form of bonds form of the bonds, and interest coupons. The bonds shall be payable Payment substantially in the manner determined by the district board, and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid.

(Added by Stats. 1949, Ch. 1491; amended by Stats. 1951, Ch. 1648.)

* 5589. The bonds shall be issued in such denominations as Denom- nation the district board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at Interest the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

- Signatures** * 5590. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district by his engraved or lithographed signature.
(Added by Stats. 1949, Ch. 1491.)
- Coupons**
- Signatures** * 5591. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.
(Added by Stats. 1949, Ch. 1491.)
- Sale of bonds** * 5592. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county.
- Proceeds** All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer.
(Added by Stats. 1949, Ch. 1491.)
- Construction fund** * 5593. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.
Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.
(Added by Stats. 1949, Ch. 1491.)
- Resubmission of proposition** * 5594. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.
(Added by Stats. 1949, Ch. 1491.)
- Additional bonds** * 5595. If bonds have been issued by the district and the proceeds of the sale have been expended, and the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.
(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

* 5596. If any or all of the principal of any bonds is made payable only from revenue, the board shall cause a brief statement of the limitations upon the payment of principal or portion thereof to be set forth in the bonds. Statement of limitations

(Added by Stats. 1949, Ch. 1491.)

* 5597. If the limitations affect the payment of the interest of the bonds or any part thereof, a brief statement of the limitations shall be set forth in the interest coupons representing the interest and also in the bonds to which the interest coupons are appurtenant. Same

(Added by Stats. 1949, Ch. 1491.)

* 5598. Bonds issued by a district organized under this chapter and the interest on such bonds shall not be taxable in this State. Tax exemption

(Added by Stats. 1949, Ch. 1491.)

* 5599. If any board provides that the principal or interest or both of any bonds or any portion of the principal or interest or both shall be payable solely from designated revenue, neither the district nor any officer thereof shall be held for payment otherwise. Liability for payment

(Added by Stats. 1949, Ch. 1491.)

* 5600. It is not the intention of this chapter that other than main trunk lines of the sewerage system of the district shall be constructed from the proceeds of the sale of bonds of the district, but that the lateral and collecting lines shall be constructed and paid for by the county, cities, or other public agencies or districts that by law are authorized to construct the lateral and collecting lines and provide for their payment. The determination by the district board of what are main trunk lines is final. Use of proceeds

(Added by Stats. 1949, Ch. 1491.)

* 5601. Connection of lateral or collecting lines to the main trunk line shall be made at points and in the manner to be directed by the engineer of the district under instructions from the district board, subject to such terms and conditions as the district board may prescribe. Lateral or connecting lines

(Added by Stats. 1949, Ch. 1491.)

* 5602. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons. Bonds payable subsequent to collection of second tax installment

(Added by Stats. 1951, Ch. 1648.)

* 5603. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and Proceedings to determine right to issue and validity

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

Judgment The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.
(Added by Stats. 1951, Ch. 1648.)

Article 6. Finance and Taxation

(Article 6 added by Stats. 1949, Ch. 1491)

Charges * 5606. Any district shall in lieu in whole or in part of levying assessments fix and collect charges for any service furnished by the district.

(Added by Stats. 1949, Ch. 1491.)

Special rates * 5607. A district may charge higher rates for the service furnished to any land that is not subject to assessment by the district than is charged other land in the district for similar service.

(Added by Stats. 1949, Ch. 1491.)

Payable in advance * 5608. Whenever any charges provided for by this chapter have been fixed, they may be made payable in advance.

(Added by Stats. 1949, Ch. 1491.)

Use of funds * 5609. The charges collected by the district from users of the services of the district shall be paid into the county treasury to the credit of the district and shall be available for the payment of the principal and interest of bonds, and for expenses of the district in maintaining, operating, extending and repairing any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the districts' powers.

(Added by Stats. 1949, Ch. 1491.)

Statement of amount * 5610. Annually, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary in addition to the anticipated revenue from all other sources to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

(Added by Stats. 1949, Ch. 1491.)

Tax levy * 5611. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the assessed value thereof established by the last equalized assessment roll of the county sufficient to pay the amount as found by the district board to

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

be required in addition to anticipated revenues from all other sources to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

(Added by Stats. 1949, Ch. 1491.)

* 5612. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary pursuant to Section 5610 the board of supervisors of the county shall ascertain such amount and shall levy and cause to be collected the necessary amount. Lack of statement

(Added by Stats. 1949, Ch. 1491.)

* 5613. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon bonds, and for no other purpose. Tax collection

(Added by Stats. 1949, Ch. 1491.)

* 5614. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county. Payment of bonds

(Added by Stats. 1949, Ch. 1491.)

* 5615. In any year, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary in addition to the anticipated revenue from all other sources to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the assessed value thereof established by the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the district's powers. Statement of amount needed for expenses

(Added by Stats. 1949, Ch. 1491.)

* 5616. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure. Tax collection

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

Claims

* 5617. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

(Added by Stats. 1949, Ch. 1491; repealed and added by Stats. 1959, Ch. 1727.)

Cost of
engineer's
report

* 5618. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district.

(Added by Stats. 1949, Ch. 1491.)

Article 7. Annexation

(Article 7 added by Stats. 1949, Ch. 1491)

Type of
territory

* 5630. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county sewerage and water district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation.

(Added by Stats. 1949, Ch. 1491.)

Procedure

* 5631. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

(Added by Stats. 1949, Ch. 1491.)

Effect of
annexation

* 5632. Whenever any territory is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

Article 8. Joint Operation

(Article 8 added by Stats. 1949, Ch. 1491)

* 5640. Whenever two or more districts whether organized under this chapter or under any other law of this State find and declare by resolution adopted by their respective district boards that it is for the interest or advantage of the districts to do so, the districts by their respective district boards may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of the districts, and the construction, supervision, operation, and maintenance of the work of each of the districts, and for that purpose the districts may agree to employ the same engineers, surveyors, counsel, and other persons needed to carry out the purposes of the districts. Joint
operation by
districts

Such agreement may also provide for participation by said districts in the State Employees' Retirement System of the State of California and for the payment of apportionments of costs and the collection, receipt and distribution of pension payments by one district designated for the purpose and acting on behalf of all districts participating in the agreement in the same manner as provided by Sections 5641 and 5642 of this code. When the agreement so provides, the designated district shall have all the powers and perform all the duties of a public agency for the purposes of the State Employees' Retirement Law, both in respect to the joint officers and employees of the participating districts and in respect to the officers and employees separately employed by the participating districts.

(Added by Stats. 1949, Ch. 1491.)

* 5641. The agreement shall specify the proportionate amount to be paid by each district toward the costs and expenses of the organization and the salaries, wages, or other compensation of all persons employed jointly by the districts. Agreement

(Added by Stats. 1949, Ch. 1491.)

* 5642. For the purpose of facilitating the payment of the joint costs, expenses, salaries, wages, or other compensation, the agreement may also provide for the payment by each district of its proportionate share of the costs, expenses, salaries, wages, or other compensation, into the funds of any one of the districts which may be designated for the purpose, and the designated district shall thereafter pay all the costs, expenses, salaries, wages, or other compensation incurred by, or to be paid in connection with the maintenance of the joint organization. Expenses

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

Article 8a. Withdrawal of City
(Article 8a added by Stats. 1949, Ch. 1491)

Withdrawal
of city from
district

* 5645.05. A city may withdraw from a district when all of the following conditions exist:

(a) The district has been in existence for more than ten years;

(b) The district has no indebtedness evidenced by bonds or otherwise, exclusive of indebtedness or expense, if any, previously incurred under Sections 5615, 5616, 5617, 5548, or 5549; and in event such indebtedness or expense is outstanding and owing on the date of the election herein authorized, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof;

(c) An election has been held on the question whether a bonded indebtedness should be incurred by the district, which proposition has failed at an election to receive the number of votes required to authorize the issuance of bonds.

(Added by Stats. 1949, Ch. 1491.)

Vote * 5645.06. The withdrawal shall be effected by the vote of a majority of the qualified electors of the city voting at an election on the proposition to withdraw.

(Added by Stats. 1949, Ch. 1491.)

Call or
conduct of
election

* 5645.07. The election may be called and conducted by the district board upon its own motion, and shall be called and conducted upon presentation to it of a petition signed by not less than twenty-five percent (25%) of the qualified electors residing in the city.

(Added by Stats. 1949, Ch. 1491.)

Same * 5645.08. The election shall be called within thirty (30) days after such petition is presented and conducted in the same manner as other elections of the district, except that the resolution calling the election shall be published in a newspaper having a general circulation in the city.

(Added by Stats. 1949, Ch. 1491.)

Canvass

* 5645.09. The district board shall canvass the returns of the election within thirty days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then it shall so find and declare, and thereupon the territory shall no longer be a part of the district.

(Added by Stats. 1949, Ch. 1491.)

Resolution of
withdrawal

* 5645.1. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1949, Ch. 1491.)

Vacancies
on board

* 5645.11. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

(Added by Stats. 1949, Ch. 1491.)

* 5645.12. In the event of the withdrawal of a city, the disposition of the property of the district lying within the city, and of the debts and funds of the district, shall be as provided in the article of this chapter on dissolution. Property

(Added by Stats. 1949, Ch. 1491.)

* 5645.13. The territory within the city so withdrawing from the district shall not thereafter become a part of the same or any other county sewerage and water district unless the question of annexation or inclusion within the district is approved by a majority of the qualified electors of the city, voting at an election on the proposition of annexation or inclusion. Election to
join new
district

(Added by Stats. 1949, Ch. 1491.)

Article 8b. Withdrawal of Unincorporated Territory

(Article 8b added by Stats. 1949, Ch. 1491)

* 5645.20. All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, annexed to a city, may be withdrawn from the district when all of the following conditions exist: Withdrawal
of unincor-
porated
territory
from district

(a) The district has been in existence for at least one year;

(b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing either on the date of the election or upon receipt of the verified petition by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

(Added by Stats. 1949, Ch. 1491.)

* 5645.21. The withdrawal may either be effected by the vote of majority of the qualified electors of the territory seeking to withdraw voting at an election on the proposition to withdraw, in which case the election procedure as hereafter provided in Sections 5645.22 to and including Section 5645.28 shall be followed, or by verified petition presented to the board of supervisors in the manner as hereafter provided in Sections 5645.31 to and including Section 5645.34. Election

(Added by Stats. 1949, Ch. 1491.)

* 5645.22. The election shall be called and conducted by the board of directors of the district whenever a petition signed by twenty-five percent (25%) of the qualified electors residing in the territory seeking to withdraw, is presented to the board. Petition

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

The petition shall describe the exterior boundaries of the unincorporated territory seeking to withdraw, and request that an election shall be called and conducted on the proposition to withdraw.

(Added by Stats. 1949, Ch. 1491.)

Conduct of
election

* 5645.23. The election then shall be called and conducted in the same manner as other elections of the district except that the resolution calling the election shall be published in a newspaper having a general circulation within the territory seeking to withdraw.

(Added by Stats. 1949, Ch. 1491.)

Canvass

* 5645.24. The board of directors shall canvass the returns of the election within thirty days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the district, then the board shall so find and declare, and thereupon the territory no longer shall be a part of the district.

(Added by Stats. 1949, Ch. 1491.)

Resolution of
withdrawal

* 5645.25. A certified copy of the resolution shall be filed with the clerk of the board of supervisors of the county in which the district is situated, within fifteen days after the resolution is adopted.

(Added by Stats. 1949, Ch. 1491.)

Election to
join new
district

* 5645.28. The unincorporated territory shall not thereafter become a part of the same or any other county sanitation district unless the question of annexation or inclusion within a district is approved by a majority of the qualified electors of the territory so withdrawing, voting at an election on the proposition of annexation or inclusion.

(Added by Stats. 1949, Ch. 1491.)

Verified
petition

* 5645.31. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall contain the following:

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than 50 percent of value of the assessed real property of the area described in the petition as appears from the current assessment roll of the county or city within which the area to be withdrawn is situated.

(Added by Stats. 1949, Ch. 1491.)

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

* 5645.32. Upon receipt of such petition, the board of supervisors shall set the same for hearing on a day not less than twenty days nor more than thirty-five days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once prior to the date fixed for such hearing, in a newspaper of general circulation circulated within the district and within the area proposed to be withdrawn which the board deems most likely to give notice to the inhabitants thereof. Hearing

(Added by Stats. 1949, Ch. 1491.)

* 5645.33. The board of directors of the county sanitation district in which the area proposed to be excluded is situated shall report in writing to the board of supervisors at the time set for the public hearing as to the extent of the district, indebtedness, present obligations, and the effect of such exclusion upon the operation of its sewage system. Report

(Added by Stats. 1949, Ch. 1491.)

* 5645.34. At the time designated, the board of supervisors shall hear the petition and any person interested and may adjourn the hearing from time to time not to exceed sixty days. The board of supervisors, if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, may upon the conclusion of final hearing upon said petition, grant such withdrawal, describing the area withdrawn, from the district; and subject to Sections 54900 to 54903, inclusive, of the Government Code said portion thereafter is no longer a portion of the district for any purpose, except that in the event district indebtedness or district expense is outstanding and owing on the date of the order granting said exclusion, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its prorata share thereof until the extinguishment of said indebtedness or expense. Withdrawal of territory

(Added by Stats. 1949, Ch. 1491.)

Article 9. Dissolution

(Article 9 added by Stats. 1949, Ch. 1491)

* 5650. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question. Before dissolution all legal indebtedness of the district shall first be paid and discharged. Election

(Added by Stats. 1949, Ch. 1491.)

* 5651. The election on the question of dissolution shall be called and conducted in the same manner as other elections of Conduct of election

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

the district, and the district board shall canvass the returns of the election within thirty days after the election.

(Added by Stats. 1949, Ch. 1491.)

Resolution * 5652. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

(Added by Stats. 1949, Ch. 1491.)

Certified copy * 5653. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

(Added by Stats. 1949, Ch. 1491.)

Property * 5654. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.

(Added by Stats. 1949, Ch. 1491.)

Remaining indebtedness * 5655. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.

(Added by Stats. 1949, Ch. 1491.)

Funds * 5656. Any funds belonging to the district at the time of dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

(Added by Stats. 1949, Ch. 1491.)

CHAPTER 9. JOINT MUNICIPAL SEWAGE DISPOSAL DISTRICT ACT

(Chapter 9 added by Stats. 1951, Ch. 439, as part of codification; repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 9, provided as follows:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

* NOTE: Chapter 8, consisting of Sections 5500-5656, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 8.

Article 1. General Provisions

(Article 1 added by Stats. 1951, Ch. 439, as part of codification)

* 5700. This chapter may be cited as the Joint Municipal Short title
Sewage Disposal District Act.

* 5700.01. Unless the provision or context otherwise re- Definitions
quires, definitions contained in this article govern the con-
struction of this chapter.

* 5700.02. "District" means joint municipal sewage dis- "District"
posal district, organized, or proposed to be organized, pur-
suant to this chapter.

* 5700.03. "County" includes city and county. "County"

* 5700.04. "District board" means the board of directors "District
board"
of a district.

* 5700.05. "Clerk" means the clerk or secretary of the "Clerk"
legislative body of any city.

* 5700.06. "Legislative body" includes a city council, "Legislative
body"
board, commission, or other governing body having charge of
the government and affairs of a city.

* 5700.07. "Member" means a member of the district "Member"
board appointed pursuant to this chapter.

* 5700.08. "Industrial wastes" are the liquid wastes from "Industrial
wastes"
usual industrial processes.

* 5700.09. "Mayor" means the mayor, president, chair- "Mayor"
man, or other presiding officer of the legislative body of a city.

* 5700.10. "Construction" includes acquisition, reconstruc- "Construc-
tion"
tion, and enlargement.

* 5700.11. "City" includes, in addition to any city organ- "City"
ized under a freeholders' charter or under general law:

(a) Any county sanitation district, sanitary district,
sewer maintenance district, sewer district.

(b) Any governmental agency governed by a legislative
body other than a city council or a board of supervisors which
maintains or operates sewers or other facilities for the collec-
tion and disposal of sewage.

* 5700.12. "Intercepting sewer" means only the sewer "Intercept-
ing sewer"
and appurtenances that as of September 13, 1941, were not,
or will not be, required by any municipality or county within
the district, if it continues to dispose of sewage and industrial
wastes by discharging them without treatment into any of the
natural waters of the State.

* 5700.13. "Sewage system" means all, or any of the fol- "Sewage
system"
lowing:

- (a) Sewage treatment plants.
- (b) Sewage treatment works.
- (c) Intercepting sewers.
- (d) Outfall sewers.
- (e) Force mains.
- (f) Pumping plants or stations.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

(g) Appurtenances, useful or convenient for the interception, treatment, purification, or disposal of sewage and industrial wastes.

(h) All necessary lands and rights of way.

"Affected county"

* 5700.14. "Affected county" means any county which lies wholly or partially within a district, and "affected city" means any city which lies wholly or partially within a district.

"Initiating body"

* 5700.15. "Initiating body" means the legislative body of the city or county initiating a proceeding to create a district.

"Initiating resolution"

* 5700.16. "Initiating resolution" or "initiating ordinance" means the resolution or ordinance passed by the initiating body proposing creation of the district.

"Adopting body"

* 5700.17. "Adopting body" means the legislative body of any city or county, other than the initiating body, named in the initiating ordinance.

"Adopting ordinance"

* 5700.18. "Adopting ordinance" means the ordinance passed by the adopting body which approves or rejects the initiating ordinance.

"District election"

* 5700.19. "District election" means an election for the submission of a proposition to the qualified voters in the district, pursuant to this chapter.

Publication

* 5700.20. Unless otherwise specified, publication required by this chapter shall be made in a newspaper of general circulation printed, published, or circulated in the district, or if no such newspaper exists, in a newspaper of general circulation printed, published, or circulated in an affected county. If there are no such newspapers in the district or an affected county, publication shall be made by posting in three public places in the district for not less than 10 succeeding days.

Applicability of other statutes

* 5700.21. Sections 4200 to 4208, inclusive, Government Code, and 1184(e) Code of Civil Procedure, are applicable to the construction of sewage systems pursuant to this chapter.

Contests

* 5700.22. If any proceedings for the issuance of any type of revenue bonds are legally contested, the court, in inquiring into the regularity, illegality, or correctness of the proceedings, or the validity of issuance of the revenue bonds, shall disregard any error which does not affect the substantial rights of the parties to the contest. In the absence of any such error, revenue bonds issued under any proceeding attempted to be taken pursuant to this chapter shall be conclusive evidence of their validity and of all proceedings for their issuance.

Bonds as evidence

Article 2. Organization of the District

(Article 2 added by Stats. 1951, Ch. 439, as part of codification)

Purpose

* 5710. A district may be organized for the purpose of constructing a sewage disposal system.

Composition

* 5710.01. A district may be composed of:

(a) Two or more cities.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

(b) Any portion of two or more cities.

(c) One or more cities and unincorporated territory.

(d) Any portion of one or more cities and unincorporated territory.

* 5710.02. The district shall not be organized to include territory in more than one county, but the territory of any affected city or county need not be contiguous. Restrictions

* 5710.03. A district organized shall be governed, maintained, and operated pursuant to this chapter, and has the powers granted by this chapter and the powers necessary and proper to carry out the purposes of the sewage district. District powers, etc.

* 5710.04. The legislative body of any city or of any county may initiate proceedings proposing the creation of a district by the adoption of an ordinance reciting: Ordinance proposing creation:

(a) That public interest or necessity requires the creation of a district for the treatment, purification, or disposal of sewage and industrial wastes originating within the district. Contents

(b) The name of the county and cities, all or part of which will be within the district.

(c) A description of the exterior boundaries of the district.

(d) A general description of the sewage system to be constructed.

(e) The name of the district.

(f) The time and place a public hearing will be held to hear objections to the adoption of the ordinance.

* 5710.05. Immediately upon the final adoption of the initiating ordinance the clerk of the initiating body shall transmit a certified copy of the ordinance to each adopting body. Transmittal of copies

* 5710.06. Upon receipt of the certified copy, each adopting body shall consider the advisability of organizing a district as proposed in the ordinance, and shall each adopt an ordinance either rejecting or approving the proposal. Action on ordinance

* 5710.07. Failure of an adopting body to finally adopt an ordinance within 90 days after receipt of the copy of the initiating ordinance shall be conclusively deemed a rejection of the proposal. Rejection:

* 5710.08. After adoption the clerk of the adopting body shall immediately transmit a certified copy of the adopting ordinance to the initiating body. Transmittal of copies

* 5710.09. If the initiating body receives a certified copy of an adopting ordinance from each adopting body, approving the initiating ordinance, it shall adopt a resolution declaring the district created. Resolution of establishment:

* 5710.10. In the resolution the initiating body shall set forth:

(a) The exterior boundaries of the district exactly as they are set forth in the initiating ordinance. Contents

(b) The name of each city and the county named in the ordinance.

(c) The name of the district.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

Transmittal
of copies

* 5710.11. The clerk of the initiating body shall immediately transmit a certified copy of the resolution creating the district to the Secretary of State who shall file it. Upon filing, the district has the powers granted in this chapter and constitutes a public corporation under the name set forth in the resolution.

Article 3. Creation of a District by Election

(Article 3 added by Stats. 1951, Ch. 439, as part of codification)

Alternative
procedure

* 5720. The procedure provided in this article for the creation of a district is alternative to that provided by Article 2.

Initiating
resolution

* 5720.01. A district may be created when the initiating body passes an initiating resolution reciting the matters required by Section 5710.04 except that subdivision (f) shall be omitted.

Filing
of copy

* 5720.02. A certified copy of the initiating resolution shall be filed with the board of supervisors of the affected county.

Petition:

* 5720.03. Instead of the initiating resolution, a petition may be presented to the board of supervisors of the affected county requesting it to call an election to determine whether a district shall be created. The petition shall be signed by qualified electors within the district boundaries, equal in number to at least 10 percent of the total vote cast at the last general state election within the territory proposed to be included in the district.

Contents

* 5720.04. The petition shall contain substantially the same matters required by Section 5720.01, and declare that in the opinion of the petitioners public interest or necessity demands the creation of a district.

Separate
papers

* 5720.05. The petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it certifying that each signature is the true name of the person who signed it.

Sufficiency

* 5720.06. The county clerk shall compare the signatures with the affidavit of registration and certify the sufficiency or insufficiency of the petition. If the petition is insufficient its proponents may have 60 days after the date of the clerk's certificate to file a supplemental petition. The clerk shall compare the supplemental petition and certify the sufficiency or insufficiency of the petition and supplemental petition.

Notice of
hearing

* 5720.07. Within 60 days after receipt of a certified copy of the initiating resolution, or of the certificate of the county clerk that the petition, or petition and supplemental petition, contains the required number of signatures, the board of supervisors shall fix a time and place for a hearing on the proposed creation of the district. Notice of the hearing shall be published once. The time fixed for the hearing shall be not less than 30 nor more than 60 days after the date of publication or the first date of posting.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5720.08. At or before the hearing, any person interested may make written objections to the creation of the district or to the inclusion of his property. The objections shall be filed with the clerk of the board of supervisors, and the board of supervisors shall hear and determine them at the hearing. The board of supervisors may adjourn the hearing from time to time without further notice, but an order shall be entered upon the minutes of its meeting fixing the time and place of adjournment. Hearing

* 5720.09. If objections are not filed, or if the objections filed are overruled, the board of supervisors shall immediately approve the creation of the district by resolution. It may approve the creation either as originally described, or, with or without the filing of any objection and on its own motion, may revise by reducing or enlarging the boundaries of the district. Approval

* 5720.10. The board of supervisors shall not approve the creation of a district containing territory not included in the initial proceedings for the formation of such district until notice of its intention to include the additional territory has been published for the time and in the manner provided in Section 5720.07, and a hearing is had pursuant to the notice. Notice of intention

* 5720.11. After the board of supervisors has approved the creation of the district, it shall call and give notice of an election to be held within the district for the purpose of determining whether the district shall be created. The notice shall state the name of the district and describe its boundaries. The notice shall be published at least once. Election notice

* 5720.12. In addition to the instructions required by law, the ballot for the election shall contain the following: Ballot

“Shall the----- (giving the name thereof) Joint Municipal Sewage Disposal District be created and established:

Yes:----- No:-----”

* 5720.13. The board of supervisors shall meet on the Monday following the election and canvass the votes cast. It shall canvass separately the returns of each city and each parcel of unincorporated territory. If a majority of those voting on the proposition of creating the district in each city or parcel of unincorporated territory is in favor of the creation of the district, the board of supervisors shall by resolution declare the district created. Canvass of votes

* 5720.14. The clerk of the board of supervisors shall immediately transmit a certified copy of the resolution creating the district to the Secretary of State who shall file it. Upon filing, the district has the powers granted in this chapter and constitutes a public corporation under the name set forth in the resolution. Filing resolution

* 5720.15. The board of supervisors calling the election shall make all provisions for, and pay the costs of, the election. If a special election is held exclusively on the proposition of organizing the district, the cost of the election shall be reim-

Election costs

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

bursed to the county which called it by means of a special tax on all of the taxable property within the district. This tax shall be added to the next county tax bill by the proper county officials.

Article 4. Board of Directors

(Article 4 added by Stats. 1951, Ch. 439, as part of codification)

District
board
member

* 5730. Upon the creation of the district the legislative body of the affected city, and the board of supervisors, if unincorporated territory is included, shall appoint a member of the district board.

Additional
members:

* 5730.01. If the district board so appointed consists of an even number, an additional member shall be chosen by members already appointed, and if they fail to make the appointment within 30 days after the date set for the first meeting of the board of directors, the secretary or any member shall notify the mayor of the city having the largest population within the district of that fact, and the mayor shall appoint the additional member within 30 days after receiving the notification.

Qualification
and removal

* 5730.02. The additional member shall be a qualified elector residing within the district. He may be removed at any time, and his successor appointed, by a majority vote of the board.

Vacancy

* 5730.03. If a vacancy occurs on the district board, the body having original authority to make the appointment shall immediately appoint a successor to fill the vacancy.

First board
meeting

* 5730.04. The mayor of the city having the largest population within the district shall fix a time and place for the first meeting of the board and shall cause each member to be given written notice at least five days prior to the meeting.

The district board shall meet at the time and place fixed for the first meeting.

Quorum

* 5730.05. A majority of the members constitutes a quorum, and in the absence of a quorum any lesser number may adjourn the meeting from time to time, and place to place, until the organization of the district board has been completed.

Appointment
of officers

* 5730.06. At the first meeting of the district board at which a quorum is present, the members shall appoint a chairman and a vice chairman from among its membership. They shall appoint a secretary, who need not be a member. The secretary shall perform the duties prescribed by the board.

Rules

* 5730.07. The board shall adopt rules governing the selection, duties, and term of office of its officers.

Compensation

* 5730.08. Members shall receive no compensation for their services, but shall be allowed their actual expenses incurred in connection with the discharge of their duties.

Terms of
office

* 5730.09. After the board has organized and selected its officers, the members shall classify themselves into two groups by lot. The larger group shall equal one-half of the total number plus one. Each member in the larger group shall hold office for a term ending at noon on the first Monday in August

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

four years after the first Monday in August of the following odd numbered year, and until his successor is appointed and qualified. Each member in the smaller group shall hold office for a term ending at noon on the first Monday in August two years after the first Monday in August of the following odd numbered year, and until his successor is appointed and qualified.

* 5730.10. Immediately upon the expiration of the term of any member, the body appointing him shall appoint a successor to serve for a term of four years after the expiration of the term of his predecessor, and until his successor is appointed and qualified. Successors

* 5730.11. The district board constitutes the legislative and governing body of a district, and shall determine all questions of policy. The board shall supervise and regulate all sewage systems owned and operated by the district. Powers of board

* 5730.12. By ordinance the district board shall fix a place within the district for the transaction of business. The place of meeting may be changed to any place that will in the opinion of the board best serve its interest or convenience and that of the public. Place of meetings

* 5730.13. A majority of the members constitutes a quorum for the transaction of business. A majority vote of all of the members is necessary to take any action. Conduct of meetings

* 5730.14. The district board may make necessary rules relative to the orderly transaction of its business and the business of the district. Rules

* 5730.15. The board may enter into agreements with any affected city for the performance by the city officers and employees of their respective duties for the district without additional compensation. Agreements re city employees

* 5730.16. The board may:
(a) Provide for the employment of such labor, clerical, legal, and engineering services as it requires. District employees

(b) Fix the compensation to be paid to any officer or employee.

(c) Require a bond of any officer or employee in any amount the board desires.

(d) Contract for the employment of any services required by the district, the board, or any district officer.

* 5730.17. By ordinance the district board may establish a schedule of rates and charges for sewage disposal service. The rates and charges may be graduated in amount according to the approximate quantities and characteristics of the contributed sewage and industrial wastes. Rates, etc., for services: Schedule

* 5730.18. By ordinance the board may adopt any one or all of the remedies set forth in Sections 5810 to 5810.11, inclusive, for the collection of rates and charges and foreclosure of any lien. Collection

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

Treasurer's duties	* 5730.19. The district treasurer shall collect the rates and charges.
Acts of board: Validity	* 5730.20. The acts of the district board shall be expressed by motion, resolution, or ordinance. No motion, resolution, or ordinance shall have any validity or effect unless adopted by a majority vote of all of the members.
Publication of ordinances	* 5730.21. An ordinance shall not be finally adopted by the board until it has been published once.
Ordinances: Form	* 5730.22. The enacting clause of all ordinances shall be: "Be it enacted by the board of directors of the _____ Joint Municipal Sewage Disposal District."
Signatures	All ordinances shall be signed by the chairman or vice chairman of the board and attested by the secretary.
Investigation, etc., of needs	* 5730.23. Upon completion of the organization of the district board, it shall make a thorough investigation and written report of the needs of the district for the construction of a sewage system.
Loans, etc., from affected counties, etc.	* 5730.24. Until the district receives revenue from the operation of a sewage system constructed by it, any affected county or city may lend or donate money, materials, supplies, and services of its officers or employees to assist the district in making the investigation and report. The district shall make reimbursement for all loans made to it.
Purchases by bids	* 5730.25. Purchases of supplies and materials exceeding one thousand dollars (\$1,000) shall be made by contract and be let to the lowest responsible bidder, after at least one notice by publication. Publication shall be made at least five days before bids are received.
Rejection of bids	* 5730.26. The board may reject any and all bids and readvertise in their discretion.
Open market purchases	* 5730.27. After rejecting bids the district board may declare by a resolution adopted by a four-fifths vote of all its members, that in its opinion the materials and supplies may be purchased at a lower price in the open market. After the adoption of the resolution, the board may proceed to purchase the supplies and materials in the open market.
Public calamity	* 5730.28. In case of great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, by a resolution passed by a four-fifths vote of all its members, the district board may declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. After declaring the public calamity the district may expend money or enter into contracts involving the expenditure of any sum needed in the emergency.
Operating basis	* 5730.29. The district board shall determine whether a sewage system shall operate upon a calendar, operating, or fiscal year basis, and the beginning and ending dates.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5730.30. After the construction of a sewage system, the district board shall adopt an ordinance which shall set forth:

Ordinance as
to operation
of system:
Contents

(a) A description of the area of the district which will be served by the sewage system.

(b) A schedule of the proposed rates and charges.

(c) The date the district proposes to commence the treatment, purification, and disposal of sewage and industrial wastes originating in the area.

(d) The time and place of a public hearing at which objections to the adoption of the ordinance may be heard.

* 5730.31. All objections to the adoption of the ordinance shall be presented to the district board in writing at least five days prior to the hearing, and the written objections shall be definite and specific. The board may continue the hearing from time to time, and alter or add to the schedule of rates and charges.

Objections

* 5730.32. If any alteration or addition is made in the schedule of rates and charges, the ordinance shall be republished before final adoption.

Alteration,
etc., of
rates, etc.

* 5730.33. Upon final adoption the secretary of the district board shall cause a certified copy of the ordinance to be transmitted to the legislative body of each county and city which is wholly or partially within the area described in the ordinance.

Certified
copy of
ordinance

* 5730.34. After transmittal of the ordinance, sewage and industrial wastes originating in the area described in the ordinance shall not be treated, purified, or disposed of by any person, city, or county, except by and through district facilities.

Exclusive
sewage
disposal

* 5730.35. A member or district officer shall not be directly or indirectly interested in any contract awarded by the district, or in the profits to be derived from the contract. An officer or member who violates this section is guilty of a misdemeanor, and shall forfeit his office. This section does not apply to contracts awarded to corporations in which a member or district officer owns less than 1 percent of the entire capital stock.

Interest in
contracts

* 5730.36. By resolution the district board may dissolve any district if all the following conditions exist:

Dissolution

(a) A proposition for incurring a bonded indebtedness fails to carry.

(b) The district is subject to no other indebtedness or liability pursuant to this chapter.

(c) The district has been organized for not less than two (2) years.

* 5730.37. The district board shall provide for all matters and things necessary for the proper administration of the affairs of the district which are not provided for in this chapter.

Adminis-
tration

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

Article 5. Powers of the District

(Article 5 added by Stats. 1951, Ch. 439, as part of codification)

Districts'
powers:
Succession
Suits

* 5740. Districts have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided by this chapter or other law, in all actions and proceedings, in all courts of competent jurisdiction.

Seal

(c) To adopt a seal and alter it at pleasure.

Acquisition
of property

* 5740.01. The district may:

(a) Take by grant, purchase, gift, devise, or lease.

(b) Condemn in proceedings under eminent domain.

(c) Otherwise acquire and use real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.

Disposition
of property

* 5740.02. The district board may lease, mortgage, sell, or otherwise dispose of any real or personal property of the district, within or without the district, when in its judgment it is for the best interests of the district.

Sewage
disposal
systems

* 5740.03. The district may acquire, construct, own, operate, control, or use, within or without, or partly within and partly without the district, sewage systems for supplying the inhabitants of the district with means for the interception, treatment, purification, or disposal of sewage and industrial wastes.

Additional
powers

* 5740.04. The district may do all things necessary or convenient to the full exercise of the powers granted by this chapter.

Agreements
for sewage
disposal

* 5740.05. If any part or all of a district's sewage system is not used to its fullest capacity for the benefit of the district or its inhabitants, the district may enter into an agreement with counties, cities, or any governmental agencies, upon terms and conditions satisfactory to the board, for the disposal of sewage originating outside of the district.

Eminent
domain

* 5740.06. The district may exercise the right of eminent domain in the name of the district in the manner provided by law for the condemnation of private property for public use. It may take any property necessary or convenient to the exercise of the powers granted by this chapter, whether or not the property is already devoted to the same use. In the exercise of the right of eminent domain it has all the rights, powers, and privileges of a city, and all rights, powers, and privileges conferred by this chapter.

Rights over
public
property
Streams

* 5740.07. The district may construct its sewage system in any street, public highway, or state property with the same rights and privileges granted to cities. The district may also construct its sewage system across any stream of water.

Restoration
of public
property

* 5740.08. The district shall restore any public property to its former condition as near as possible, and shall not unnecessarily impair its usefulness.

* NOTE: Chapter 9, consisting of Sections 5700-5830.03, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5740.09. The district may:

Incurring
debts

(a) Borrow money and incur indebtedness.

(b) Issue bonds or other evidences of indebtedness.

(c) Refund or retire any indebtedness that exists against or is assumed by the district.

* 5740.10. The district may levy and collect, or cause to be levied and collected, taxes to carry on the operations and pay the obligations of the district, other than principal and interest on revenue bonds. Taxes

* 5740.11. The district may:

Contracts

(a) Make contracts either in connection with eminent domain proceedings or otherwise, including, but not limited to, contracts to indemnify and save harmless.

(b) Employ labor.

Labor

* 5740.12. The district may invest any surplus money in the district treasury, including money in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the district. Investment of surplus money:

* 5740.13. The district may invest in its own bonds, or in the treasury notes or bonds of the United States, or of the State, or bonds of any city, school district, county water district, county, or municipal utility district. Bonds

* 5740.14. The investment may be made by direct purchase of all or part of any issue of bonds or treasury notes at the original sale or by subsequent purchase. Bonds or treasury notes purchased by the district may be sold and the proceeds reinvested in bonds or treasury notes. Form of purchase

* 5740.15. The district shall sell the bonds and treasury notes as required to accomplish the purposes of the fund from which those bonds and notes were purchased. Sale of bonds, etc.

* 5740.16. The district may contract, upon mutually agreed terms with any city, public or municipal corporation, or county to perform for the district any of the powers, duties, or functions granted to or imposed upon the district by this chapter. The city, public or municipal corporation, or county may enter into and perform the contract. Contracts with cities, etc.

* 5740.17. The district may:

Federal
loans, etc.

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions or loans from the United States, or any of its departments, instrumentalities, or agencies, for the purpose of financing the construction, maintenance, and operation of any enterprise in which the district is authorized to engage.

(b) Enter into contracts and cooperate with, and accept cooperation from, the United States, or any of its departments, instrumentalities, or agencies, in the financing, construction, maintenance, and operation of any enterprise in which the Cooperation with United States

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

district is authorized to engage in accordance with legislation adopted by Congress.

(c) Do all things necessary to avail itself of aid, assistance, and cooperation under any federal legislation.

Contribu-
tions, etc.

* 5740.18. The district may:

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions of money, rights of way, labor, materials, and any other property for the construction, maintenance, and operation of any enterprise in which the district is authorized to engage.

Cooperation
with State

(b) Enter into contracts and cooperate with, and accept cooperation from, the State, or any of its departments, instrumentalities, or agencies, or any state public agency, in the financing, construction, maintenance, and operation of any enterprise in which the district is authorized to engage.

Accounting:
Employment
of expert

* 5740.19. Annually the district shall employ an expert who is a certified public accountant or public accountant who shall with due diligence examine and report upon:

(a) The system of accounts kept by the district.

(b) All the contracts entered into by the district within the year immediately preceding.

(c) The properties and investments of the district.

(Amended by Stats. 1959, Ch. 230.)

Report

* 5740.20. In his report the expert shall include recommendations which in his judgment are necessary and proper for:

(a) The good of the district and each sewage system, and for their efficient and economical or advantageous management and operation.

(b) The system of accounts kept.

(c) The manner in which accounts shall be kept.

(d) The form of accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts.

Determina-
tion of
amount

* 5740.21. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* Article 5.5. Claims

(Article 5.5 added by Stats. 1959, Ch. 1727)

* 5745. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Article 6. Annexation

(Article 6 added by Stats. 1951, Ch. 439, as part of codification)

* 5750. By the adoption of a resolution requesting the district board to annex the territory described in the resolution a board of supervisors may propose the annexation of unincorporated territory, and the legislative body of any city may propose the annexation of all or part of the territory comprising the city. The territory proposed to be annexed need not be contiguous to the district and need not be within the county within which the district was originally organized.

* 5750.01. If, after receipt of a certified copy of a resolution proposing annexation, the district determines that annexation of the territory would facilitate the construction or operation of a sewage system, or otherwise be advantageous to the district, it shall determine by resolution the terms and conditions upon which such annexation may be made.

* 5750.02. Provisions within the terms and conditions may include, but are not limited to:

(a) Payment of taxes within the territory to be annexed in addition to the other taxes provided for in this chapter.

(b) Fixing rates and charges differing from those fixed or existing elsewhere within the district.

(c) Incurring or assuming indebtedness, or making payments, or transferring property, real and personal, and other assets to the district by the territory proposed to be annexed.

* 5750.03. The secretary of the district board shall immediately transmit to the board of supervisors or legislative body proposing the annexation a certified copy of the resolution fixing the terms and conditions upon which annexation may be made.

* 5750.04. If the legislative body proposing the annexation consents to the terms and conditions, the district board shall fix the time and place for a hearing on the question of the annexation and provide for the giving of notice of the hearing.

* 5750.05. Notice fixing the time and place for hearing on the question of the annexation shall be published once in a newspaper of general circulation printed and published in the district. If there is no such newspaper, notice of the hearing shall

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

be given by posting in three (3) public places within the district, at least one of which shall be within the territory proposed to be annexed.

Time for hearing * 5750.06. The time for the hearing shall be not less than 30 nor more than 60 days after the publication or first posting of the notice.

Objections * 5750.07. At or before the hearing any person interested may make written objections to the annexation or inclusion of his property. The objections shall be filed with the secretary or clerk of the district, and the board shall hear and determine them at the hearing. The district board may adjourn the hearing from time to time without further notice, but an order shall be entered upon the minutes of its meeting fixing the time and place of adjournment.

Declaration of annexation * 5750.08. If no protests are filed, or the protests filed are overruled by the board, by resolution the board shall immediately declare all or part of the territory annexed to the district. Upon the filing of the resolution with the secretary or clerk of the district the annexation is completed.

Consent * 5750.09. All or part of a city shall not be annexed to the district unless its legislative body consents by resolution.

Incidental powers * 5750.10. After the date of annexation, the district board may do all acts necessary or convenient to the fulfillment of the terms and conditions of the annexation, and the exercise of the powers vested in the district and the board by this chapter.

Retention of corporate existence * 5750.11. An annexation pursuant to this article shall not dissolve or terminate the legal existence of any city or county. The city or county annexed shall retain its corporate existence unless otherwise dissolved.

Limitation on contest * 5750.12. The validity of any procedure for the annexation of territory to a district shall not be contested in any action or proceeding unless it is brought within three months after the date of the completion of the proceeding.

Article 7. Elections

(Article 7 added by Stats. 1951, Ch. 439, as part of codification)

Conduct of elections * 5760. Unless otherwise provided by this chapter, all elections held pursuant to it shall be conducted, and may be consolidated, and the results declared as near as possible in accordance with the general election laws.

Qualified elector * 5760.01. A person is not entitled to vote at a district election unless he is a qualified elector within the district.

Consolidation of elections * 5760.02. In the ordinance calling the election, the district board may indicate its intent to have the district election consolidated with another election. The board of supervisors in the affected county shall consolidate the elections, and certify the results to the district board.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5760.03. Upon certification, the district board shall determine the results of the election and declare the proposition or propositions approved or rejected. Determination of results

* 5760.04. Informality in any proceeding or in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall not invalidate the organization of a district, or any annexation to it, or any proposition for the issuance of bonds. Informality in procedure

Article 8. General Obligation Bonds

(Article 8 added by Stats. 1951, Ch. 439, as part of codification)

* 5770. Any district organized pursuant to this chapter may incur a bonded indebtedness pursuant to this article, to pay the cost of constructing all or any part of a sewage system. Incurring of bonded indebtedness:

* 5770.01. By a resolution passed by a vote of two-thirds of all its members, the district board may determine that the public interest or necessity demands that the district construct a sewage system, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district. Resolution of necessity

* 5770.02. At any subsequent meeting the district board may provide for a district election on the proposition of incurring a bonded debt for the purpose set forth in the resolution. Propositions for incurring indebtedness for more than one object may be submitted at the same election. District election

* 5770.03. The ordinance calling the election shall recite: Election ordinance
(a) The objects for which the indebtedness is to be incurred.

(b) The estimated cost of the sewage system to be constructed.

(c) The amount of the principal of the indebtedness to be incurred, and the rate of interest to be paid on the indebtedness.

(d) The date on which the election will be held.

* 5770.04. If the rate of interest to be paid on the indebtedness does not exceed $4\frac{1}{2}$ percent a year, payable semiannually, the ordinance need not recite it. In its discretion the district board may recite in the ordinance a maximum rate of interest to be paid on the indebtedness, not exceeding 6 percent a year, payable semiannually. When a maximum rate is recited, it shall not be exceeded in the issuance of bonds for the indebtedness. Recital of interest rate

* 5770.05. Notice of a bond election need not be given other than the adoption of the ordinance calling it. Notice of election

* 5770.06. The votes of two-thirds of all those voting at the election are required to authorize the issuance of bonds pursuant to this article. Required vote

* 5770.07. If a proposition for incurring indebtedness fails to receive the requisite number of votes, the district board shall Failure of proposition

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

not submit a substantially similar proposition for election within six months, except upon a petition of 15 percent of the electors of the district filed with the district board. For the purpose of this section the number of electors shall be computed upon the number of votes cast for Governor at the last gubernatorial election.

Maturity of bonds * 5770.08. The bonds authorized by election shall mature serially in amounts to be fixed by the board. Payment of the bonds shall begin not later than five years after their date, and be completed in not more than 40 years after that date.

Denomination of bonds * 5770.09. The bonds shall be issued in such denominations as the district board determines, except that bonds shall not be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000).

Place, etc., of payment * 5770.10. The bonds shall be payable at the time and place fixed on their face, with interest payable semiannually at the rate specified.

Execution of bonds * 5770.11. The bonds shall be signed by the chairman of the district board, or by an officer the board has designated for that purpose by resolution adopted by a two-thirds vote of all its members, and by the treasurer, and countersigned by the secretary. The attached coupons shall be numbered consecutively and be signed by the treasurer by his lithographed or engraved signature. All signatures and countersignatures on the bonds, except that of the treasurer, may be printed, lithographed, or engraved. If any officer who signs the bonds or coupons vacates his office before delivery of the bonds to the purchaser, his signature or countersignature is as valid as if he had remained in office until delivery.

Signatures

Issue price * 5770.12. At their discretion the district board may issue and sell the bonds for not less than their par value. The proceeds of the sale shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects for which the bonds were voted.

Debt limit: * 5770.13. A district shall not incur an indebtedness pursuant to this article for a sewage system which in the aggregate exceeds 15 percent of the assessed value of all the real and personal property of the district.

Ascertainment where indebtedness exists * 5770.14. If any indebtedness has been incurred pursuant to this article for the construction of a sewage system, and the revenue from that system for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction, in addition to the cost of operation and maintenance, it shall not be included in ascertaining the limit of indebtedness.

Tax to meet bond obligations * 5770.15. Annually at the time and in the manner for fixing the general tax levy, the district board shall levy and collect a tax sufficient to pay the annual interest on the bonds

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

and that part of the principal coming due before the next general tax levy, until the bonds are paid or a sufficient sum is set apart for that purpose in the district treasury.

* 5770.16. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of their issuance, a tax shall be levied and collected pursuant to this article, sufficient to pay the interest as it falls due, and to constitute a sinking fund for the payment of the principal indebtedness on or before maturity. Sinking fund

* 5770.17. The taxes required by this article shall be in addition to all other taxes levied for district purposes, and shall be collected pursuant to this chapter. Taxes so collected shall be used for no other purposes than the payment of the bonds and accruing interest. Collection
Use

* 5770.18. In lieu of a resolution passed by the district board pursuant to Section 5770.01, 10 percent of the electors of the district, computed by the method provided in Section 5770.08, may sign and present a petition to the district board asking for the construction of a sewage system and asking that a bonded indebtedness be incurred to pay for it. Petition

* 5770.19. Immediately upon receipt of the petition the secretary of the district board shall examine and verify the signatures and certify the results of the examination to the district board. Certification, etc.

* 5770.20. If the secretary finds that the required number of signatures are genuine, he shall transmit an authentic copy of the petition without signatures to the district board. Transmittal
of copy

* 5770.21. Upon receipt of the petition with the secretary's certificate stating that it contains the required number of signatures, the district board shall formulate a proposition for incurring a bonded indebtedness pursuant to this article for the objects set forth in the petition for submission to the electors within the district at a special election called for that purpose. Election
proposition

* 5770.22. The election and all matters concerning the bonds and their issuance shall be carried out as if the action had been initiated by resolution of the board. Election

* 5770.23. In its discretion the district board may defer the calling of the election until the next general election to be held in the district. The district board may consolidate any election called for the submission of any proposition pursuant to this article with any other election at which the qualified voters of the district vote, or hold the elections separately. Consolidation:

* 5770.24. If the district election is consolidated with any other election, the provisions of this article setting forth the procedure for calling and holding a district election shall be complied with. Procedure

* 5770.25. If the district election is consolidated with another, the ordinance calling the district election need not set forth the election precincts, polling places and officers of Ordinance

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

election, but may provide that they shall be the same as those set forth in the ordinance, notice, or other proceedings calling the other election with which the district election is consolidated, and shall refer to such ordinance, notice, or other proceeding by number and title, or by other definite description.

Bonds as legal investments * 5770.26. District bonds issued pursuant to this article are legal investments for:

(a) Trust funds.

(b) The funds of all insurance companies, commercial and savings banks, and trust companies.

(c) The State School Fund.

Security for loans, etc. (d) Sinking funds under the control of the State Treasurer.

* 5770.27. District bonds issued pursuant to this article are legal investments for, or security for the loan of, funds which may be invested in, or loaned upon the security of, bonds of cities, counties, or school districts, in the State.

Legal security: Trusts, etc. * 5770.28. Where bonds of cities, counties, or school districts are legal security for the faithful performance or execution of any court or private trust or of any other act, district bonds issued pursuant to this article are also legal security for those acts.

Use by banks * 5770.29. To the same extent as bonds of any city, district bonds issued pursuant to this article are legal security for use by any state or national bank for the deposit of funds of the State or of any county, city, or other public or municipal corporation.

Call and redemption: * 5770.30. The board may provide for the call and redemption of part or all of the bonds on any interest payment date prior to their fixed maturity at a sum not exceeding their par value and accrued interest, plus a premium not exceeding 5 percent upon the principal amount.

Statement in ordinance * 5770.31. If redemption before maturity is provided for, a statement to that effect shall be set forth in the ordinance calling the election, and the call price fixed by the district board shall be set forth on the face of the bond.

Price on bond * 5770.32. Notice of redemption before maturity shall be published once a week for three successive weeks. The first publication shall be at least 30 days prior to the date fixed for redemption. After the date fixed for redemption, interest on the bonds ceases.

Notice of redemption * 5770.33. If the district board determines that refunding is advantageous it may refund all or part of any bonded indebtedness incurred pursuant to this article, and issue the district's refunding bonds of the same type in their place. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds.

Refunding bonds: * 5770.34. The provisions relating to the issuance, denomination, time and place of payment, time when payment must be completed, maturing serially, call and redemption, notice of

Interest rate * NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

Applicable provisions

call and redemption, running of interest, signing and counter-signing, validation where the officer signing vacates his office, and discretionary sale by the district board, affecting general obligation bonds, apply to refunding bonds except that payment of refunding bonds shall begin not later than one (1) year from the date of the bonds and notice of redemption need be given only once.

* 5770.35. The proceeds of the sale of refunding bonds shall be placed in the district treasury to the credit of the refunding fund and shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds are issued. Disposition of proceeds

* 5770.36. In lieu of selling refunding bonds and using the proceeds of the sale to purchase or retire the bonds to be refunded, the district board may exchange refunding bonds at not less than par and accrued interest for the bonds refunded. Exchange at par

* 5770.37. When outstanding bonds are refunded, they shall be surrendered to the district treasurer, who shall cancel them by: Surrender and cancellation

(a) Endorsing on their face whether they were refunded by exchange or purchase, and if they were purchased the amount paid.

(b) Perforating through each bond and each attached coupon "canceled" and the date of cancellation.

* 5770.38. After all outstanding bonds which are to be refunded from the refunding fund have been taken up and canceled, all money remaining in that fund shall be paid into the district sinking fund. Sinking fund

* 5770.39. Issuance of refunding bonds shall not be construed as incurring or increasing an indebtedness within the meaning of this article. Limitation on issuance

* 5770.40. The district board shall provide for the levy and collection of taxes to pay the principal and interest on the refunding bonds, and to constitute a sinking fund for the payment of the principal of the bonds on or before maturity pursuant to this article. Payment: Tax levy

* 5770.41. In lieu of the immediate levy of a tax to pay all or part of the interest on any bonded debt incurred pursuant to this article, the district board may include in the estimate of the amount of money necessary to be raised by the bonds, a sum sufficient to pay interest on all or part of the bonds during the period of construction of the sewage system for which the bonds were issued until revenues are earned by the sewage system, but not to exceed five years. Alternative procedure

* 5770.42. After inclusion of the interest sum in the estimate the district board may use as much of the proceeds from the sale of the bonds as necessary for the payment of the interest until the receipt of revenues from the operation of the sewage system for the construction of which the bonds were issued. Use of sale proceeds

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

The amount used for interest shall not exceed the sum included by the board in its estimate for that purpose.

Publication * 5770.43. When the board sells any bonds, it shall advertise for bids by publication at least twice. The first publication shall be at least two weeks prior to the date upon which bids will be opened.

Award to highest bidder * 5770.44. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest bidder. If no bids are received or if the district board determines the bids received are not satisfactory as to price or responsibility of the bidder, it may reject all bids, and either readvertise for bids, or sell the bonds at private sale.

Article 9. Taxation

(Article 9 added by Stats. 1951, Ch. 439, as part of codification)

Tax levy * 5780. If the district board determines that the revenues of the district will not be sufficient to pay the principal or interest on any bonded debt incurred pursuant to Article 8 as it becomes due, or to carry out the objects and purposes of the district, the board shall levy and collect a tax for that purpose and fix the amount of money necessary to be raised by taxation.

Limitation * 5780.01. No tax shall be levied to pay the principal or interest of any revenue bond.

Assessment, etc. * 5780.02. The board may provide for the assessment, levy, and collection of taxes, and for the sale of property to the district for delinquent taxes, penalties, interest, and costs.

Use of county assessment roll * 5780.03. The district may avail itself of the assessment roll of the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation, and have its taxes collected by the officials of the county. On or before August 1st the district board shall declare that it has availed itself of the county services by resolution or ordinance and file a certified copy with the auditor of the affected county.

Collections * 5780.04. Each year after the declaration, until the district board provides otherwise, all taxes shall be collected for the district by the assessors and tax collectors of the affected counties.

Property valuation * 5780.05. On or before the second Monday in August of each year after the declaration, the county auditor shall transmit to the board a written statement showing the total value of all property within the district. Property value shall be ascertained from the county assessment roll used by the county that year.

Rate: Fixing * 5780.06. On or before the first weekday in September, if the district has availed itself of the county services, the district board shall fix the rate of taxes, designating the number of cents upon each one hundred dollars (\$100), based on the property valuation on the current roll.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5780.07. The rate of taxation shall be sufficient to raise the amount previously fixed by the board pursuant to this chapter. Sufficiency

* 5780.08. Action pursuant to Sections 5780.03 to 5780.06, inclusive, constitutes a valid property assessment and a valid tax levy. Immediately after that action, the district board shall transmit a statement of the rates fixed to the auditor of the affected county. Validity of property assessment, etc.

* 5780.09. Taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained pursuant to this chapter, shall be paid to the district treasurer, pursuant to the general requirements and penalties provided by law for the settlement of other taxes. Manner of collection

* 5780.10. If any real property within a district which has availed itself of the county services has been sold for taxes and has been redeemed, the redemption money shall be apportioned and paid by the county treasurer to the district in the proportion which the tax due to the district bears to the total tax for which the property was sold. Redemption money

* 5780.11. All taxes levied pursuant to this article are a lien on the property on which they are levied. Unless by ordinance the board provides otherwise, district taxes shall be collected in the same manner and by the same means as county taxes. Lien

* 5780.12. The board of supervisors of the county rendering the services pursuant to this article, and the district board shall agree as to the amount of compensation to be paid to the county for the services. The compensation shall not exceed one-half of 1 percent of all money collected for the district and shall be credited to the county salary fund. Compensation for county services

Article 10. Revenue Bonds

(Article 10 added by Stats. 1951, Ch. 439, as part of codification)

* 5790. Pursuant to this article any district may issue revenue bonds to pay the cost of construction of a sewage system. Issuance

* 5790.01. By ordinance adopted by a vote of two-thirds of its members, the district board may determine that the public interest or necessity demands that the district construct a sewage system. At any subsequent meeting, by ordinance the district board may provide for a district election on issuing revenue bonds as set forth in the ordinance of public convenience or necessity. Propositions for incurring indebtedness for more than one object may be submitted at the same election. Ordinance

* 5790.02. The ordinance of public interest or necessity shall contain: Contents

(a) A statement that public interest or necessity requires the construction of a sewage disposal system.

(b) A brief description of the proposed system, which sets forth its general type and purpose, but need not describe its location.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

(c) An estimate of the cost of the sewage system, and a separate estimate of the incidental expenses in connection with it.

(d) The time and place fixed for the hearing of protests against the adoption of the ordinance, which shall be at least 10 days after the last publication of the proposed ordinance.

(e) A statement that unless the proposed ordinance is abandoned at the hearing a district election will be held on the proposition of issuing revenue bonds to pay the costs and expenses of the construction of the sewage system.

(f) A statement that the revenue bonds shall be payable solely from revenues derived from the operation of the sewage system, including rates and charges for its use.

(g) A list of the proposed rates and charges for the different classes of users of the sewage system.

(h) The amount of the principal of the revenue bonds proposed to be issued and the maximum rate of interest to be paid on the bonds.

(i) A statement whether the proposition shall be submitted at a special election to be held for that purpose, or at a general election.

Effect of
listed
rates, etc.

* 5790.03. The list of rates and charges published in the ordinance of public interest or necessity is informative only, and does not restrict the district board in thereafter fixing rates and charges.

Election
ordinance

* 5790.04. The ordinance calling the election shall:

(a) Describe generally the sewage system to be constructed with the funds derived from the sale of revenue bonds.

(b) State that the bonds shall be payable solely from revenue derived from the operation of the sewage system.

(c) State the amount of the principal of the revenue bonds proposed to be issued, the rate of interest to be paid, or the maximum amount of interest that may be paid, upon such bonds.

(d) Fix the date on which the election will be held.

Adoption

* 5790.05. The ordinance calling the election shall be adopted by the district board in the same manner as other ordinances, and other notice of the election need not be given.

Issuance of
revenue
bonds

* 5790.06. If a majority of those voting upon the proposition favor the issuance of the revenue bonds, by ordinance the board shall issue revenue bonds in the principal amount provided in the ordinance calling the election.

Rates, etc.

* 5790.07. Rates and charges for services furnished by any sewage system constructed pursuant to this chapter shall be fixed before the issuance of the revenue bonds for its construction. The rates and charges may be greater or less than those stated in the ordinance of public interest or necessity.

Negotiability

* 5790.08. All revenue bonds issued pursuant to this chapter are negotiable instruments.

Form

* 5790.09. The board shall prescribe the form of revenue bonds and the attached interest coupons.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5790.10. The district board shall fix a time and place for Terms
payment which shall be stated on the bonds.

The district board shall fix an amount not less than one-fortieth of the whole sum due which shall be paid each year together with interest on all sums unpaid at the date of payment.

* 5790.11. In its discretion the district board may fix a date Maturity
date
for the earliest maturity of the principal of the revenue bonds not more than five years from the date of issue.

* 5790.12. The entire indebtedness shall be payable within Limitation
40 years from the date of issue of the revenue bonds.

* 5790.13. The provisions relating to issuance, time and Application
of other
provisions
place of payment, signing and countersigning, validation where the officer signing vacates his office, and discretionary sale by the district board, affecting general obligation bonds, apply to revenue bonds except that the resolution passed by the district board designating an officer to sign the bonds in place of the chairman need not be passed by two-thirds vote of all members, the maximum rate of interest is 6 percent a year, and the treasurer's signature on the coupons may be printed.

* 5790.14. Revenue bonds and their coupons shall be payable in lawful money of the United States. Legal
tender

* 5790.15. Each revenue bond shall plainly state on its face that it is payable only from the revenues derived from the sewage system constructed from the proceeds of the sale of the revenue bonds and that it does not constitute an indebtedness of any affected city or county. Source of
payment

* 5790.16. Revenue bonds shall be designated substantially as follows: "Revenue Bond of (insert name) Joint Municipal Sewage Disposal District." Designation
of revenue
bond

* 5790.17. The proceeds of the sale of revenue bonds shall be placed in the district treasury and shall be applied to the purposes mentioned in the election ordinance exclusively, except that interest may be paid from the proceeds during the construction and until six months after completion of the sewage system, but this period shall not extend beyond five years from the sale of the revenue bonds. Disposition
of proceeds

* 5790.18. When the district board sells all or part of the revenue bonds, it shall advertise for bids by publication at least twice. The first publication shall be at least two weeks prior to the date upon which bids will be opened. Advertise-
ment

* 5790.19. If satisfactory bids are received, the revenue bonds offered for sale shall be awarded to the highest bidder. If no bids are received or if the district board determines the bids received are not satisfactory as to price or responsibility of the bidder, it may reject all bids and either readvertise for bids or sell the revenue bonds at private sale. Award to
highest
bidder
Rejection
of bids

* 5790.20. Revenue bonds and the income from revenue bonds shall be exempt from taxation, except for transfer, inheritance, and estate taxes. Tax
exemption
Bonds

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

- Works, etc.** * 5790.21. All sewage systems, lands, works, and improvements acquired or constructed pursuant to this chapter shall be exempt from taxation.
- Records, etc.** * 5790.22. Any district issuing revenue bonds pursuant to this chapter shall keep separate records and accounts containing entries of all transactions relating to the properties, business, and affairs of each sewage system.
- Audit** * 5790.23. Within three months after the close of the year in which the district operates, the engineer shall cause the records, accounts, and affairs of each sewage system to be audited by a competent auditor.
- Balance sheet** * 5790.24. The auditor shall prepare a balance sheet, and an income and surplus account showing, in reasonable detail, the financial condition of each sewage system at the close of the year and its financial operations during the year.
- Inspection of accounts, etc.** * 5790.25. At all reasonable times during business hours the audit balance sheets, and income and surplus accounts shall be open to inspection by any taxpayer, user of services furnished by the district, holder or owner of revenue bonds issued for the construction of any sewage system, or the agent of any of them.
- Audit by C. P. A. or public accountant** * 5790.26. Upon the request of the holders of 20 percent or more of the principal of outstanding revenue bonds of any issue, the district shall cause all records, accounts, and affairs relating to the sewage system constructed from the proceeds of that issue to be audited by a competent certified public accountant or public accountant.
(Amended by Stats. 1959, Ch. 230.)
- Inspection of audit** * 5790.27. A copy of the audit shall be open for inspection at all times to any taxpayer, user of the services furnished by the district, owner or holder of revenue bonds issued by the district, or the agent of any of them.
- Contract for use of facilities** * 5790.28. A district and a city or county may contract for the use of the district facilities built with the proceeds of revenue bonds, on terms approved by them.
- Time limitation** * 5790.29. The contract shall not be made for more than 15 years nor in violation of the ordinance authorizing the issuance of revenue bonds.
- Rate adjustments, etc.** * 5790.30. Subject to the rights of the revenue bondholders a city or county which has contracted for the use of district facilities may by ordinance establish, change, and adjust rates and charges for the service rendered by the sewage system pursuant to this article.
- Lien** * 5790.31. The rates and charges shall constitute a lien against the premises served and shall be collected by the proper officials of the city or county in the same manner as rates and charges made by the district.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5790.32. The necessary intercepting sewers for connecting the city or county sewage system with the district sewage system shall be constructed pursuant to the contract. Intercepting sewers

* 5790.33. Unless otherwise provided in the ordinance authorizing issuance of the revenue bonds, the district may pay the cost of constructing the intercepting sewer which it has contracted to bear from the proceeds of the sale of revenue bonds from which the sewage system was constructed. Same: Payment from revenue bonds proceeds

Article 11. Rates and Charges

(Article 11 added by Stats. 1951, Ch. 439, as part of codification)

* 5800. Rates and charges shall provide:

Provisions

(a) For the expenses of administration, operation, and maintenance of the sewage system in good repair.

(b) For payments of the interest and principal of all revenue bonds issued for the construction of the sewage system, as they become due.

(c) A fund for contingencies which shall be at least 10 percent of all other amounts required to be raised annually.

* 5800.01. Rates and charges for services furnished by the sewage system may be fixed and revised, and shall be payable as the district board determines to produce the amounts required by Section 5800. Rates, etc., for services

* 5800.02. The district board shall covenant and agree on the face of each revenue bond to fix rates and charges which shall provide the sums required by this article. Same

* 5800.03. Each month the district board shall deposit all revenues derived from the operation of the sewage system into the separate funds created pursuant to this article and the revenues shall be held in trust, apart from other district funds, to be used only for the purposes for which the funds are established. Deposition of revenues

* 5800.04. The separate funds shall be set aside, in the following order: Funds: Order of setting aside

(a) The "interest fund" which shall contain a sum sufficient to pay the annual interest on the revenue bonds issued to construct the sewage system, as it becomes due.

(b) The "sinking fund" which shall contain a sum sufficient to pay the maturing annual principal of the revenue bonds as it becomes due, or to provide the annual portion of the sinking fund required to pay the principal of the revenue bonds promptly at maturity.

(c) The "operation and maintenance fund" which shall contain a sum sufficient to pay the reasonable yearly expenses of administration, operation, and maintenance of the sewage system necessary to keep it in good repair and working order.

(d) The "contingent or reserve fund" which shall contain the remaining gross revenues, and shall constitute a reserve to be used when necessary to pay principal or interest of the

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

	revenue bonds, issued for the construction of the sewage system, or to pay any necessary expense of repair or maintenance.
Names	* 5800.05. The names of the funds provided for in subdivisions (a) through (d) inclusive, in Section 5800.04, are not mandatory and the district board may give them other appropriate names.
Income from contracts with cities, etc.	* 5800.06. Income received by the district under any contract made with a city or county pursuant to this article is revenue of the sewage system which renders the services contracted for.
Lien:	* 5800.07. When revenue bonds are issued pursuant to this chapter, a statutory first lien attaches to all revenues of the
Attachment	sewage system constructed from the proceeds of those revenue bonds, and to all funds created pursuant to this article, for the
Priority	benefit of the sewage system. All revenue bonds of the same issue shall be equally and ratably secured without priority by reason of number, date, sale, execution, or delivery.
Duration	* 5800.08. The lien is in favor of the holders of revenue bonds and coupons of the revenue bonds, and is effective until the principal and interest on the bonds is paid in full.
Legal proceedings	* 5800.09. The holder of any revenue bonds or coupons may take any legal proceedings to protect and enforce his statutory lien and compel performance of the duties of the officials of the district which issued the revenue bonds.
Limitation	* 5800.10. The statutory lien upon revenues does not give any holder or owner of a revenue bond or coupon authority to compel the receivership or sale of part or all of the sewage system.
Free service prohibited	* 5800.11. The district shall not furnish free service to any governmental or private user of the sewage system. All users of the sewage system shall pay at the same schedule of rates and charges.
Payment of operating, etc., expenses	* 5800.12. The district board may use any funds not derived from the operation of the sewage system to pay immediate expenses of operation or maintenance. Money used to pay immediate expenses shall be repaid out of the first money available for that purpose.
Delinquency penalty	* 5800.13. If the rate or charge fixed by the district board pursuant to this chapter is not paid when due, it shall be increased by a penalty of 25 percent of the amount due.
Payment	* 5800.14. The rates, charges, and penalties shall be paid by the owner of the premises.
Lien:	* 5800.15. Except as to public-owned property, rates, charges, and penalties constitute a lien upon the premises serviced by a sewage system.
Duration	* 5800.16. The lien for the rates, charges, and penalties is effective until they are paid in full or the property sold to satisfy them.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

* 5800.17. The lien attaches when the district treasurer records a list of unpaid rates and charges with the recorder of the county in which the premises are located. Attachment on recordation

* 5800.18. The record shall include: Contents of record

- (a) The amount of each rate and charge.
- (b) A description of the property to which the lien attaches.
- (c) The name of the owner as it appears on the last equalized assessment roll.

(d) The name of the district to which the rates and charges are payable.

* 5800.19. A list of all rates and charges which have been delinquent three months or more shall be recorded at least every three months, but no delay or informality in recording the list shall invalidate the lien for any unpaid rate or charge. Recording procedure
Validity of lien

Article 12. Remedies

(Article 12 added by Stats. 1951, Ch. 439, as part of codification)

* 5810. The remedies in this article are established for the collection of rates, charges, and penalties. Purpose

* 5810.01. An action for the collection of the amount of the delinquent rates, charges, and penalties may be brought in the name of the district in any court which has jurisdiction against the owner when the service was rendered. In the action a reasonable attorney's fee shall be awarded the plaintiff. Action for collection
Attorney's fee

* 5810.02. An action to foreclose the lien of the rates, charges, and penalties may be brought in the name of the district in any court of competent jurisdiction. In the action a reasonable attorney's fee shall be awarded the plaintiff. Action to foreclose
Attorney's fee

* 5810.03. At least 30 days before any action to foreclose the lien of any rate or charge is brought, and at least 30 days before any sale of property is made by the treasurer, he shall cause notice of the proposed action to be sent by registered mail to the owner of the property to which the lien is attached. If the notice is placed in the United States mail, postage prepaid, addressed to the owner of the property at his address, as it appears on the last equalized assessment roll, no defect or informality in the notice shall invalidate the foreclosure or sale. Notice
Validity

* 5810.04. On June 2 and December 2 of each year, the district treasurer may sell at public sale all parcels of property on which the rates and charges have been delinquent for more than six months. Notice of the sale shall be given by two publications at least 20 days before the date of sale. Delinquency sales
Notice

* 5810.05. The notice shall state: Contents

- (a) The time and place of sale.
- (b) A description of the property to be sold.
- (c) The amount which will be required to purchase the property.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

Purchaser	* 5810.06. The treasurer shall sell the property to the person who offers to pay all unpaid rates and charges which have been recorded, the penalties, and fifty cents (\$0.50) for the notice of sale in exchange for the least quantity of the property. If no person offers to purchase a parcel, the treasurer shall strike it off to the district.
Record of parcels sold	* 5810.07. The treasurer shall keep in his office a record of all parcels sold, showing: <ul style="list-style-type: none"> (a) The date of sale. (b) The name of the purchaser and his address. (c) A description of property sold, and the sale price.
Redemption	* 5810.08. Redemption may be made within one year of the treasurer's sale or foreclosure. In case of redemption the purchaser shall be entitled to interest at the rate of 2 percent a month from the date of sale.
Deed as evidence	* 5810.09. One year after the treasurer's sale, the treasurer shall make a deed of the property sold to the purchaser. The treasurer's deed is conclusive evidence of the regularity of the sale and vests title in the purchaser free and clear of all encumbrances except taxes and assessments.
Limitation on action contesting validity of sale	* 5810.10. Any legal proceeding asserting the invalidity of the sale shall be begun before the expiration of the period of redemption, and after the deed has been issued no defense that the sale is invalid may be asserted.
Additional remedies	* 5810.11. By ordinance, the district board may establish additional remedies for collecting and enforcing rates and charges, and may change the remedies established by it in order to facilitate collection.
Use of remedies	* 5810.12. In the discretion of the district board, the remedies for collecting rates and charges set out in this article are cumulative and may be pursued alternately, or any of them may be used consecutively. Until the principal and interest of revenue bonds are fully paid, any holder of an unpaid revenue bond may compel the use of the remedies provided by this chapter.

Article 13. Additional Revenue and Refunding Revenue Bonds

(Article 13 added by Stats. 1951, Ch. 439, as part of codification)

Issuance	* 5820. Additional revenue bonds for additions to, enlargements of, or extensions and improvements of, a sewage system may be issued when authorized by vote pursuant to this chapter for the issuance of the first issue of revenue bonds.
Election ordinance	* 5820.01. The ordinance calling the election for additional revenue bonds shall recite: <ul style="list-style-type: none"> (a) The objects for which the revenue bonds are to be issued. (b) The estimated cost of the proposed additions, enlargements, extensions, or improvements.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

(c) The estimated amount of the incidental expense in connection with the construction.

(d) The amount of the principal of the revenue bonds to be issued therefor.

(e) The rate of interest to be paid on the revenue bonds.

(f) The date on which the election shall be held.

* 5820.02. In lieu of the recitation required by subdivision (e), Section 5820.01, the district board may at its discretion recite a maximum rate of interest which shall not be exceeded if the revenue bonds are issued. Maximum rate

* 5820.03. Interest on the additional revenue bonds shall be payable semiannually and shall not exceed 6 percent a year. Interest

* 5820.04. The ordinance shall contain: Ordinance: Contents

(a) A statement that the additional revenue bonds shall be payable solely from revenues of the proposed additions, enlargements, extensions, or improvements.

(b) A list of the rates and charges for the different classes of users of the additions, enlargements, extensions, or improvements.

* 5820.05. If the holders or owners of 75 percent of the revenue bonds outstanding at the time additional revenue bonds are to be issued agree that the additional revenue bonds may be issued, in place of the statement required by Section 5820.04, the ordinance shall contain statements that: Same

(a) The bonds shall be payable solely from revenues derived from the sewage system, as added to, enlarged, extended, or improved.

(b) The additional revenue bonds shall have a parity of lien with the outstanding revenue bonds upon the revenues of the sewage system, as added to, enlarged, extended, or improved.

* 5820.06. The additional revenue bonds shall be subordinate to prior issues for the same sewage system in the application of revenues unless one of the following exist: Priority of bonds

(a) The ordinances authorizing prior issues have authorized an additional issue of revenue bonds.

(b) The owners of 75 percent of the outstanding revenue bonds, at the time the additional bonds are to be issued, agree that additional revenue bonds may be issued.

* 5820.07. If the additional revenue bonds are not subordinate to prior issues, they shall all be paid from the revenues of the entire sewage system and have a parity of lien on the revenues. Same

* 5820.08. If, exclusive of governmental bodies or public corporations, the holders or owners of 75 percent or more of the principal amount of the revenue bonds assent to a refunding and agree to the terms of issuance of the refunding bonds at the time of refunding, revenue bonds issued pursuant to this chapter may be refunded by other revenue bonds of the district. Refunding revenue bonds

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

- Call** * 5820.09. If the required number of bondholders assent, all revenue bonds shall be subject to call pursuant to the terms of the agreement.
- Same: Exchange** * 5820.10. When the call is made all revenue bondholders shall exchange their bonds for refunding revenue bonds, or cash provided by the sale of refunding revenue bonds, pursuant to the terms of the agreement.
- Purposes for issuance** * 5820.11. One issue of revenue bonds may be issued for refunding, and for additions to, enlargements, extensions of, or improvements of, a sewage system if it is authorized by both of the following:
- (a) The agreement of the owners or holders of 75 percent or more of the revenue bonds pursuant to Section 5820.08.
 - (b) A majority of all those voting on the proposition of issuing the revenue bonds favor issuance.
- Election ordinance: Contents** * 5820.12. The ordinance calling the election shall recite:
- (a) The purposes for which the proposed revenue bonds are to be issued.
 - (b) The amount of revenue bonds to be issued.
 - (c) The rate of interest to be paid, or a maximum rate which shall not be exceeded in the issuance of the revenue bonds.
- Interest** * 5820.13. The interest on all revenue bonds issued pursuant to Section 5820.11 shall be payable semiannually, and shall not exceed 6 percent a year.
- Use of surplus funds** * 5820.14. If there is a surplus in any sewage system fund, at its discretion, the district board may purchase outstanding revenue bonds at not more than their par value.
- Revenue bond sale notice** * 5820.15. The district board shall invite proposals for the sale of outstanding revenue bonds by publishing notice once. The notice shall state the amount of money available for the purchase.
- Acceptance of proposal** * 5820.16. All proposals shall be opened in public and the lowest offer may be accepted.
- Rejection and purchase by board** * 5820.17. The board may reject any or all proposals and thereafter purchase the revenue bonds at private sale, but it shall not pay more at private purchase than the lowest price submitted at the public bidding. Revenue bonds so purchased shall be immediately canceled by the treasurer.
- Revenue bond indentures** * 5820.18. When revenue bonds are to be issued pursuant to this article, the district board may enter into indentures or agreements containing any or all of the following provisions:
- (a) Providing for the amount, form, and maturities of the revenue bonds and coupons.
 - (b) The terms and conditions upon which the revenue bonds shall be issued, sold, retired, or refunded.
 - (c) Providing minimum reserve requirements for revenue bonds.

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

(d) Providing for the rates and charges to be made for all services, and the conditions under which established rates and charges may be reduced or increased.

(e) Providing that the amounts to be raised in each year by rates and charges shall be not less than the amounts required for the payment of principal and interest of revenue bonds, amount needed for current administrative, operating, and maintenance costs for that year, and the reserve requirements as are specified in the indenture or agreement.

(f) Providing for the protection of the holders of the revenue bonds to be issued.

(g) Providing methods by which the indenture or agreement may be amended, and refunding revenue bonds issued or additional revenue bonds issued.

(h) Prescribing the percentage of the holders in principal amount of the revenue bonds issued required to consent to the amendment of the indenture or agreement, or the issuance of additional or refunding revenue bonds.

Article 14. Validation

(Article 14 added by Stats. 1951, Ch. 439, as part of codification)

* 5830. Within 60 days after an election authorizing the issuance of any general, revenue, or refunding bonds, the district board may cause an action to be brought, in the name of the district in the superior court of the county in which all or the greater portion of the district is located, to determine the validity of the bonds.

Action to determine validity of bonds

* 5830.01. The district board may cause a refunding bond validation action to be brought within 60 days after the effective date of the ordinance authorizing the issuance of refunding bonds.

Refunding bonds

* 5830.02. The validation action is an action in rem, and jurisdiction of all parties interested may be had by publication of summons at least once a week for three weeks in a paper of general circulation published in the county where the action is pending. The paper shall be designated by the court having jurisdiction of the action.

Action in rem
Jurisdiction of parties:

* 5830.03. Jurisdiction is complete 10 days after the full publication of the summons and anyone interested may appear prior to such date and contest the validity of the bonds. If there is more than one action involving the validity of the bonds, they shall be consolidated.

Same
Consolidation of actions

* 5830.04. The validation action shall be speedily tried and judgment rendered declaring the bonds to be valid or invalid. Either party may appeal to the Supreme Court within 30 days after the rendition of the judgment. The appeal shall be heard and determined within three months after the appeal is taken.

Trial
Appeal

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

Limitation	* 5830.05. After the expiration of 90 days after the election no action shall be brought to contest the validity of the bonds and proceedings.
Effect of errors in proceedings	* 5830.06. The court hearing any action inquiring into the regularity, legality, or correctness of the proceedings leading up to the issuance of bonds, or the validity of the bonds, shall disregard any error which does not affect the substantial rights of the parties to the action.
Rules of pleading, etc.	* 5830.07. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent, are applicable to all actions provided for in this chapter. The motion for a new trial of any such action shall be heard and determined within 10 days after the filing of the notice of intention.
Costs	* 5830.08. The costs of any action provided for by this chapter may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

CHAPTER 10. REGIONAL SEWAGE DISPOSAL DISTRICTS

(Chapter 10 added by Stats. 1955, Ch. 1922; repealed by Stats. 1959, Ch. 1309)

NOTE: Stats. 1959, Ch. 1309, which repealed Chapter 10, provided as follows:

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

Article 1. General Provisions

(Article 1 added by Stats. 1955, Ch. 1922)

Short title	† 5900. This chapter may be cited as the Regional Sewage Disposal District Act. (Added by Stats. 1955, Ch. 1922.)
Construction	† 5901. Unless the provision or context otherwise requires, definitions contained in this article govern the construction of this chapter. (Added by Stats. 1955, Ch. 1922.)
"Regional district"	† 5902. "Regional district" means a regional sewage disposal district organized or proposed to be organized pursuant to this chapter. (Added by Stats. 1955, Ch. 1922.)
"Public agency"	† 5903. "Public agency" means and includes any county sanitation district, sanitary district, sewer maintenance district, sewer district, city organized under a freeholders' charter or under general law, or any other governmental agency

* NOTE: Chapter 9, consisting of Sections 5700-5830.08, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 9.

† NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

which maintains or operates sewers or other facilities for the collection and disposal of sewage.

(Added by Stats. 1955, Ch. 1922.)

* 5904. "Directors" means the board of directors of the "Directors" regional district.

(Added by Stats. 1955, Ch. 1922.)

* 5905. "Governing board" means the governing board of "Governing board" the public agency.

(Added by Stats. 1955, Ch. 1922.)

* 5906. "Sewage system" means all or any of the following: "Sewage system"

(a) Sewage treatment plants.

(b) Sewage treatment works.

(c) Intercepting sewers.

(d) Outfall sewers.

(e) Force mains.

(f) Pumping stations or plants.

(g) Appurtenances useful or convenient for the interception, measurement, treatment, purification or disposal of sewage.

(h) All necessary lands and rights of way.

(Added by Stats. 1955, Ch. 1922.)

Article 2. Organization

(Article 2 added by Stats. 1955, Ch. 1922)

* 5920. A regional district may be organized and established under this chapter by two or more public agencies; provided, said agencies have a combined total assessed valuation of all taxable real property of not less than one hundred million dollars (\$100,000,000). The public agencies need not be contiguous, and when so organized and established, the regional district shall be a separate and independent political corporate entity and shall exercise the powers herein expressly granted, together with such implied powers as are necessary to carry out the objects and purposes of the regional district. A public agency, upon becoming a member of the regional district, shall retain its separate identity and shall, without change, continue in existence. Authoriza-
tion

(Added by Stats. 1955, Ch. 1922.)

Article 3. Creation

(Article 3 added by Stats. 1955, Ch. 1922.)

* 5940. A regional district may be created when the governing board of any public agency passes an initiating resolution or ordinance reciting the following matters: Resolution:
Contents

(a) That the public interest or necessity requires the creation of a regional district for the acquisition, operation, administration or construction of a sewage system for the collection, treatment and disposal of sewage originating within the regional district.

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

(b) The names of the public agencies proposed to be included within the regional district.

(c) A general description of the exterior boundaries of the proposed regional district, accompanied by a map delineating said exterior boundaries.

(d) The name of the proposed regional district.

(Added by Stats. 1955, Ch. 1922.)

Transmittal
of copies

* 5941. Certified copies of said resolution or ordinance shall be presented to the board of supervisors of the county within which such public agencies are located. The clerk of the board of supervisors shall forthwith transmit a certified copy of said resolution or ordinance to each of the public agencies named therein.

(Added by Stats. 1955, Ch. 1922.)

Action

* 5942. Upon receipt of the certified copy of said resolution or ordinance, each public agency named therein shall consider the advisability of joining said proposed regional district and adopt either an ordinance or resolution rejecting or approving the proposal.

(Added by Stats. 1955, Ch. 1922.)

Rejection

* 5943. Failure of a public agency to adopt a resolution or ordinance within 90 days after receipt of the certified copy of the said resolution or ordinance from the clerk of the board of supervisors shall be conclusively deemed a rejection of the proposal.

(Added by Stats. 1955, Ch. 1922.)

Adoption

* 5944. After adoption of the ordinance or resolution consenting to the inclusion of the public agency in the proposed regional district, the clerk of the approving governing board shall immediately transmit a certified copy of the approving ordinance or resolution to the clerk of the board of supervisors.

(Added by Stats. 1955, Ch. 1922.)

Report

* 5945. The clerk of the board of supervisors shall, within not more than 120 days nor less than 90 days from the date the initiating resolution or ordinance was presented to the board of supervisors as prescribed in Section 5941 of this article, report to the board of supervisors the names of those public agencies which shall have adopted or rejected the proposal to form a regional district.

(Added by Stats. 1955, Ch. 1922.)

Resolution
of creation:
Adoption

* 5946. The board of supervisors, at its next regular meeting after receipt of the report by the clerk of the board of supervisors, shall, by resolution, establish and create the regional district to consist of those public agencies which have consented to inclusion therein; provided, that the two or more public agencies so consenting have a combined total assessed

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

valuation of taxable real property of not less than one hundred million dollars (\$100,000,000) as determined by the last equalized assessment roll of the county.

(Added by Stats. 1955, Ch. 1922.)

* 5947. The resolution of the board of supervisors creating said regional district shall set forth all of the following: Contents

(a) The exterior boundaries of the district as determined by the inclusion of those public agencies consenting to be included within said regional district.

(b) The name of each public agency comprising said regional district.

(c) The name of the regional district.

The resolution creating said regional district is conclusive evidence of the regularity of all prior proceedings, and any legal proceeding attacking the validity of the creation of said regional district shall be commenced within three months from the date of the resolution establishing said regional district. If no such legal proceeding is so commenced, the establishment and legal existence of the regional district shall be held to be valid and, in every respect, legal and incontestable. Attack on validity

(Added by Stats. 1955, Ch. 1922.)

* 5948. The clerk of the board of supervisors shall immediately transmit certified copies of the resolution of the board of supervisors creating the regional district, to the State Board of Equalization of the State of California, and to the county assessor pursuant to Sections 54900 to 54905, inclusive, of the Government Code. Transmittal

(Added by Stats. 1955, Ch. 1922.)

* 5949. The regional district formed or proposed to be formed under this chapter is not subject to the District Investigation Act of 1933. Applicability of laws

(Added by Stats. 1955, Ch. 1922.)

* 5960. All powers, privileges and duties vested in or imposed upon the regional district as incorporated under this chapter shall be exercised and performed by and through a board of directors. Board of directors

(Added by Stats. 1955, Ch. 1922.)

* 5961. The board of directors shall consist of one representative from each public agency, the area of which lies within the regional district. Members

(Added by Stats. 1955, Ch. 1922.)

* 5962. If a vacancy occurs on the district board, the body having original authority to make the appointment shall immediately appoint a successor to fill the vacancy. Vacancies

(Added by Stats. 1955, Ch. 1922.)

* 5963. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions, ordinances, and other matters coming before the board, Voting representation

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

and shall be entitled to cast one vote for each one million dollars (\$1,000,000) of assessed valuation of all taxable real property, or major fractional part thereof, in the public agency represented by it; provided, that each representative shall have at least one vote. In order to determine voting representation, the assessed valuation of all taxable real property of the member public agencies shall be determined every five (5) years, commencing with the date of the first meeting of the board of directors of the regional district, and such determination shall be based upon the assessed valuation of all taxable real property of the member public agencies as shown by the last equalized assessment roll of the county within which such public agencies are located and evidenced by the certificate of the county controller or auditor. The affirmative votes of members representing more than fifty percent (50%) of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors.

(Added by Stats. 1955, Ch. 1922.)

**First
meeting**

* 5964. Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors of the county in the chambers of the board of supervisors at the county seat of said county, or at such other convenient place within the county designated in such call.

(Added by Stats. 1955, Ch. 1922.)

**Election of
officers**

* 5965. At the first meeting of the regional district at which a quorum is present, the members shall elect a chairman and a vice chairman from among its membership. They shall appoint a secretary who need not be a member. The secretary shall perform the duties prescribed by the board.

(Added by Stats. 1955, Ch. 1922.)

Powers

* 5966. The district board constitutes the legislative and governing body of the regional district, and shall determine all questions of policy. The board shall supervise, maintain, operate, and regulate all sewage systems owned and operated by the regional district.

(Added by Stats. 1955, Ch. 1922.)

**Place of
business**

* 5967. By resolution, the district board shall fix a place within the regional district for the transaction of business.

(Added by Stats. 1955, Ch. 1922.)

Rules

* 5968. The district board may make necessary rules relative to the orderly transaction of its business and the business of the regional district.

(Added by Stats. 1955, Ch. 1922.)

**Changes in
governing
board
membership**

* 5969. If additional public agencies are included within the regional district resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district

board takes place and becomes effective immediately upon the inclusion of any such public agency.

(Added by Stats. 1955, Ch. 1922.)

* 5970. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed twenty-five dollars (\$25) for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. No member shall receive compensation for attending more than three meetings of the board during any calendar month. The compensation provided in this section shall be in addition to any other fees or compensation allowed by law.

Compensation

(Added by Stats. 1955, Ch. 1922.)

Article 5. Powers of the Regional District

(Article 5 added by Stats. 1955, Ch. 1922)

* 5990. The regional district shall have the following powers:

- (a) To have perpetual succession.
- (b) To sue and be sued, except as otherwise provided by this chapter or other law, in all actions and proceedings, in all courts of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(Added by Stats. 1955, Ch. 1922.)

* 5991. The regional district may:

- (a) Take by grant, purchase, gift, devise, or lease.
- (b) Condemn in proceedings under eminent domain.
- (c) Otherwise acquire and use real and personal property of every kind within or without the regional district necessary to the full or convenient exercise of its power.

Acquisition of property

(Added by Stats. 1955, Ch. 1922.)

* 5992. The district board may lease, mortgage, sell, or otherwise dispose of any real or personal property of the regional district, within or without the regional district, when, in its judgment, it is for the best interests of the district.

Disposal of property

(Added by Stats. 1955, Ch. 1922.)

* 5995. The regional district may acquire, construct, own, operate, control, or use, within or without, or partly within and partly without, the regional district, sewage systems for supplying the inhabitants of the regional district with means for the interception, measurement, treatment, purification, or disposal of sewage.

Sewage systems

(Added by Stats. 1955, Ch. 1922.)

* 5996. The regional district may do all things necessary or convenient to the full exercise of the powers granted by this chapter.

(Added by Stats. 1955, Ch. 1922.)

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

Agreements
with other
agencies

* 5997. If any part or all of regional district's sewage system is not used to its fullest capacity for the benefit of the regional district or its inhabitants, the regional district may enter into an agreement with any public agency, whether or not it is a member of the regional district, upon terms and conditions satisfactory to the board, for the disposal of sewage originating outside of the regional district.

(Added by Stats. 1955, Ch. 1922.)

Eminent
domain

* 5998. The regional district may exercise the right of eminent domain in the name of the regional district in the manner provided by law for the condemnation of private property for public use. It may take any private property necessary or convenient to the exercise of the powers granted by this chapter, whether or not the property is already devoted to the same use. In the exercise of the right of eminent domain it has all the rights, powers, and privileges of a county, and all rights, powers, and privileges conferred by this chapter; provided, the district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location.

(Added by Stats. 1955, Ch. 1922.)

Indebtedness

* 5999. The regional district may:

(a) Borrow money and incur indebtedness.

(b) Issue bonds or other evidence of indebtedness.

(c) Refund or retire any indebtedness that exists against or is assumed by the regional district.

(Added by Stats. 1955, Ch. 1922.)

Tax levy

* 6000. The regional district may levy and collect, or cause to be levied and collected, taxes to carry on the operations and pay the obligations of the regional district, other than principal and interest on revenue bonds.

(Added by Stats. 1955, Ch. 1922.)

Contracts

* 6001. The regional district may contract, upon mutually agreed terms, with any city, public or municipal corporation, or county to perform for the regional district any of the powers, duties, or functions granted to or imposed upon the regional district by this chapter. The city, public or municipal corporation, or county may enter into and perform the contract.

(Added by Stats. 1955, Ch. 1922.)

Cooperation
with federal
agencies, etc.

* 6002. The regional district may:

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions or loans from the United States, or any of its departments, instrumentalities, or agencies, for the purpose of financing the

construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage.

(b) Enter into contracts and cooperate with, and accept cooperation from, the United States, or any of its departments, instrumentalities, or agencies, in the financing, construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage in accordance with legislation adopted by Congress.

(c) Do all things necessary to avail itself of aid, assistance, and cooperation under any federal legislation.

(Added by Stats. 1955, Ch. 1922.)

* 6003. The regional district may:

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions of money, rights of way, materials, and any other property for the construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage.

Cooperation
with state
agencies

(b) Enter into contracts and cooperate with, and accept cooperation from, the State, or any of its departments, instrumentalities, or agencies, or any state public agency, in the financing, construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage.

(Added by Stats. 1955, Ch. 1922.)

* 6004. The regional district may employ and retain personnel services and employ laborers to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the regional district, and to appoint and employ such engineers, attorneys, agents and employees as may be needed to carry into effect any of the powers of the regional district.

Employees

(Added by Stats. 1955, Ch. 1922.)

* 6005. A right of way in, through, upon, under, or across any public highway, street, alley, road, or property within the county in which the regional district is situate is hereby granted to the regional district wherever the right of way is found, by the district board, to be necessary or convenient for doing any of the work.

Rights of
way

(Added by Stats. 1955, Ch. 1922.)

* 6006. The district board may, by agreement with any city or other public agency, take possession of any sewage system or any sewage disposal or treatment plant, or any combination thereof, as found necessary or convenient to carry out any of the objects of the regional district, or may acquire, by agreement, the right to use them, and any city or other public agency may enter into such an agreement with a regional district.

Acquisition
of existing
sewage
systems

A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

other public agency entering into such a contract with a regional district.

(Added by Stats. 1955, Ch. 1922.)

Eminent
domain

* 6007. Notwithstanding anything contained in this chapter to the contrary, a regional district shall not have the power to acquire by eminent domain the sewage system, sewage disposal or treatment plant or other sewage facilities, or any part thereof, of any city or other public agency.

(Added by Stats. 1955, Ch. 1922.)

Article 7. Annexation

(Article 7 added by Stats. 1955, Ch. 1922)

Effect of
annexation

* 6020. Whenever any territory is annexed to a public agency which, as a separate entity, is part of the regional district, said territory thereupon becomes a part of the regional district and is subject to all of the liabilities, including, but not limited to, bonded indebtedness of the regional district and to all the benefits of the regional district; provided, however, the public agency annexing said territory may, by resolution adopted at or prior to the effective date of the annexation of said territory, assume on behalf of said annexed territory the proportionate share of the existing bonded indebtedness thereof, for which said annexed territory would have otherwise been liable.

(Added by Stats. 1955, Ch. 1922.)

Resolution
requesting
annexation

* 6021. Whenever any public agency not included within the regional district desires to be annexed to the regional district, it shall adopt a resolution requesting such inclusion. The resolution shall describe the territory of the public agency sought to be included, which territory need not be contiguous to the regional district.

(Added by Stats. 1955, Ch. 1922.)

Terms of
annexation

* 6022. If, after receipt of a certified copy of the resolution proposing annexation, the district board determines that the annexation of the territory would facilitate the construction, operation, acquisition, or maintenance of a sewage system or otherwise be advantageous to the regional district, it shall determine, by resolution, the terms and conditions upon which such annexation may be made.

(Added by Stats. 1955, Ch. 1922.)

Same

* 6023. Provisions within the terms and conditions may include, but are not limited to:

(a) Payment of taxes within the territory to be annexed in addition to the other taxes provided for in this chapter.

(b) Fixing rates and charges differing from those fixed or existing elsewhere within the regional district.

(c) Incurring or assuming indebtedness, or making payments, or transferring property, real and personal, and other

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

assets to the regional district by the territory proposed to be annexed.

(Added by Stats. 1955, Ch. 1922.)

* 6024. The secretary of the district board shall immediately transmit to the governing board of the public agency proposing the annexation a certified copy of the resolution fixing the terms and conditions upon which annexation may be made.

Transmittal
of resolution

(Added by Stats. 1955, Ch. 1922.)

* 6025. If the governing board of the public agency proposing the annexation consents to the terms and conditions, the district board shall fix the time and place for a hearing on the question of the annexation and providing for the giving of notice of the public hearing thereon.

Hearing:
Time and
place

(Added by Stats. 1955, Ch. 1922.)

* 6026. Notice fixing the time and place for hearing upon the question of the annexation shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the regional district. If there is no such newspaper, notice of the hearing shall be given by posting in three public places within the regional district, at least one of which shall be within the territory proposed to be annexed.

Notice

(Added by Stats. 1955, Ch. 1922; amended by Stats. 1957, Ch. 357.)

* 6027. The time for the public hearing shall be not less than 30 nor more than 60 days after the publication or first posting of the notice.

Time

(Added by Stats. 1955, Ch. 1922.)

* 6028. At or before the public hearing any owner of property interested may make written objections to the annexation or to the inclusion of his property. The objections shall be filed with the secretary of the district board, and the board shall hear and determine said protest at the public hearing. The district board may adjourn the hearing from time to time without further notice, but an order shall be entered upon the minutes of its meeting fixing the time and place of the continued public hearing.

Objections

(Added by Stats. 1955, Ch. 1922.)

* 6029. If no protests are filed, or the protests filed are overruled by the district board, the board, by resolution, shall immediately declare all or part of the territory annexed to the regional district. Upon the filing of the resolution with the clerk of the district board, the annexation is completed.

Order

(Added by Stats. 1955, Ch. 1922.)

* 6030. All or part of a city shall not be annexed to the regional district unless its governing board consents thereto by resolution.

Annexation
of city
territory

(Added by Stats. 1955, Ch. 1922.)

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

* 6031. After the date of annexation, the district board may do all acts necessary or convenient to the fulfillment of the terms and conditions of the annexation, and the exercise of powers vested in the regional district and the district board by this chapter.

(Added by Stats. 1955, Ch. 1922.)

Effect

* 6032. An annexation pursuant to this chapter shall not dissolve or terminate the legal existence of any public agency which becomes a part of the regional district.

(Added by Stats. 1955, Ch. 1922.)

Validation

* 6033. The resolution of annexation by the district board is conclusive evidence of the regularity of all prior proceedings, and any legal proceeding attacking the validity of the resolution of annexation shall be commenced within three (3) months from the date of the resolution of annexation. If no such legal proceeding is so commenced, the annexation shall be held to be valid and, in every respect, legal and incontestable

(Added by Stats. 1955, Ch. 1922.)

Article 7. General Obligation Bonds

(Article 7 added by Stats. 1955, Ch. 1922)

Bonded
indebtedness

* 6050. The regional district organized pursuant to this chapter may incur a bonded indebtedness pursuant to this article, to pay the cost of constructing all or any part of a sewage system.

(Added by Stats. 1955, Ch. 1922.)

Determina-
tion of
necessity

* 6051. By a resolution passed by a vote equal to at least two-thirds of the total number of votes of the member agencies represented upon the district board, the district board may determine that the public interest or necessity demands that the regional district construct a sewage system, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the regional district.

(Added by Stats. 1955, Ch. 1922.)

Resolution

* 6052. The resolution calling the election shall recite:

(a) The objects for which the indebtedness is to be incurred.

(b) The estimated cost of the sewage system to be constructed or acquired, or both.

(c) The amount of the bonds proposed to be issued, the number of years not to exceed which the whole of the bonds are to run, and the rate of interest or a maximum rate of interest to be paid which rate shall not be more than the rate specified in this article.

(d) The date of the election, election precincts, polling places, and election officers.

(Added by Stats. 1955, Ch. 1922.)

Precinct

* 6053. For the purposes of the bond election, the district board may consolidate into one precinct several precincts

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established for general election purposes and describe the precinct by reference to the general election precincts.

(Added by Stats. 1955, Ch. 1922.)

* 6054. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct. Election board

(Added by Stats. 1955, Ch. 1922.)

* 6055. Only voters registered in the regional district are eligible to vote at the bond election. Eligible voters

(Added by Stats. 1955, Ch. 1922.)

* 6056. The resolution calling the election shall be published pursuant to Section 6063 of the Government Code in a newspaper having general circulation in the regional district and designated by the district board. No other notice of the election need be given. Notice of election

(Added by Stats. 1955, Ch. 1922; amended by Stats. 1957, Ch. 357.)

* 6057. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the regional district for the amount stated in the resolution calling the election shall be issued and sold. Bonds: Issue

(Added by Stats. 1955, Ch. 1922.)

* 6058. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional. Validation

(Added by Stats. 1955, Ch. 1922.)

* 6059. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of bonds issued shall not exceed 40 years. Form

(Added by Stats. 1955, Ch. 1922.)

* 6060. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). They shall be payable on the date and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually. Denomination

(Added by Stats. 1955, Ch. 1922.)

* 6061. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the regional district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the regional district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, Signatures

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

except that one of said signatures or countersignatures to said bonds shall be manually affixed.

(Added by Stats. 1955, Ch. 1922.)

Same * 6062. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

(Added by Stats. 1955, Ch. 1922.)

Sale * 6063. The board may issue and sell the bonds of the regional district at not less than par value, and the proceeds shall be placed in the treasury of the county.

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the regional district, and proper records of the transactions shall be placed upon the books of the treasurer.

Construction
fund:
Creation

(Added by Stats. 1955, Ch. 1922.)

Use * 6064. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

(Added by Stats. 1955, Ch. 1922.)

Balance * 6065. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished any moneys remaining in the construction fund shall be transferred to the fund to be used for the payment of principal and interest on the bonds.

(Added by Stats. 1955, Ch. 1922.)

Resubmission
of propo-
sition * 6066. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the regional district.

(Added by Stats. 1955, Ch. 1922.)

Additional
bond * 6067. If the district board, by resolution passed by a vote equal to two-thirds of the total vote represented by the members of the public agencies comprising said regional district, determines that the public interest or necessity of the regional district demands the issuance of additional bonds for carrying out any of the objects of the regional district, the district board may again submit to the voters the question of issuing additional bonds. All of the provisions of this article

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for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.

(Added by Stats. 1955, Ch. 1922.)

* 6068. Bonds and the interest thereon shall be paid by Tax levy revenue derived from an annual tax upon the real property in the regional district, and all the real property in the regional district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

(Added by Stats. 1955, Ch. 1922.)

* 6069. (a) An issue of bonds is hereby defined to be the Form of bonds aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the regional district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

(b) The district board of the regional district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the district board of the regional district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

(Added by Stats. 1955, Ch. 1922.)

* 6070. Bonds may be made payable on a date subsequent to Payment the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

(Added by Stats. 1955, Ch. 1922.)

* 6071. If the result of any election upon the question of Validation proceedings the issuance of bonds is in favor of issuance, the board may, in its discretion, commence, in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the Irrigation District Law, and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of such Irrigation District Law.

(Added by Stats. 1955, Ch. 1922.)

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

Article 8. Finance and Taxation
(Article 8 added by Stats. 1955, Ch. 1922)

Statement of amount * 6090. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the regional district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of the amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

(Added by Stats. 1955, Ch. 1922.)

Tax levy * 6091. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the regional district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

(Added by Stats. 1955, Ch. 1922.)

Lack of statement * 6092. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

(Added by Stats. 1955, Ch. 1922.)

Tax collection * 6093. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of the regional district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purposes.

(Added by Stats. 1955, Ch. 1922.)

Payment of bonds * 6094. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

(Added by Stats. 1955, Ch. 1922.)

Statement of amount needed for expenses * 6095. In any year, at least 15 days before first day of the month in which the board of supervisors of the county in which the regional district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary to maintain, operate, extend, or repair any work or improvements of the regional district, and to defray all other expenses incidental to

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

the exercise of any of the regional district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the regional district, based upon the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the regional district and of defraying all other expenses incidental to the exercise of any of the regional district's powers.

(Added by Stats. 1955, Ch. 1922.)

* 6096. Claims for money or damages against the district Claims are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

(Added by Stats. 1955, Ch. 1922; repealed and added by Stats. 1959, Ch. 1727.)

Article 9. Revenue Bonds

(Article 9 added by Stats. 1955, Ch. 1922)

* 6110. A regional district shall have authority to issue Issue revenue bonds to obtain funds with which to carry out any and all of the objects and purposes of the regional district, said revenue bonds to be issued pursuant to and in accordance with the provisions of the Sanitation, Sewer and Water Revenue Bond Law of 1941 contained in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code.

(Added by Stats. 1955, Ch. 1922.)

DIVISION 6. SANITARY DISTRICTS

Part 1. (Original, Sanitary District Act of 1891, Sections 5500 to 5867, inclusive, repealed by Stats. 1939, Ch. 1124.)

Part 2. (Original, Sanitary District Act of 1919, Sections 5901 to 6347, inclusive, repealed by Stats. 1939, Ch. 1124. See new Part 2 below.)

PART 1. SANITARY DISTRICT ACT OF 1923

(Originally Part 3. Heading amended by Stats. 1939, Ch. 1124.)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

6400. "District," as used in this part, means a district "District" formed pursuant to this part or pursuant to any law which it supersedes.

* NOTE: Chapter 10, consisting of Sections 5900-6110, repealed by Stats. 1959, Ch. 1309, with saving clause. For text of saving clause, see note at beginning of Chapter 10.

- "Board"** 6401. "Board" or "district board," as used in this part, means the governing board of a district.
- "Secretary"** 6402. "Secretary," as used in this part, means the secretary of a district.
- "Assessor"** 6403. "Assessor," as used in this part, means the assessor of a district.
- "Tax collector"** 6404. "Tax collector," as used in this part, means the tax collector of the county in which a district is located.
- "Treasurer"** 6405. "Treasurer," as used in this part, means the treasurer of the county in which a district is located.
- "Garbage"** 6406. "Garbage," as used in this part, shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) anything thrown away as worthless.
(Added by Stats. 1939, Ch. 304. See below.)
6406. (Added by Stats. 1939, Ch. 1124; repealed by Stats. 1941, Ch. 990. See above.)
6407. (Added by Stats. 1947, Ch. 1521; amended by Stats. 1951, Ch. 992; repealed by Stats. 1957, Ch. 1491.)

CHAPTER 2. FORMATION

Article 1. Petition

- Petition** 6420. Whenever 25 persons in any county desire the formation of a sanitary district within the county, they may sign and present a petition to the board of supervisors of the county.
- Contents of petition** 6421. The petition shall contain:
(a) The name of the proposed district.
(b) The boundaries of the proposed district.
(c) A request that the territory within the boundaries be formed into a district as provided by this part.
- Petitioners** 6422. Each petitioner shall be a resident and freeholder in the proposed district.
- Verification** 6423. The petition shall be verified by the affidavit of one of the petitioners.
- Publication of petition** 6424. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in the county.
- Notice of time** 6425. With the petition there shall be published a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

Article 2. Hearing

- Hearing** 6440. At the time designated the board of supervisors shall hear the petition, and may adjourn the hearing from time to time.
- Modification of boundaries** 6441. The board of supervisors shall not modify the boundaries of the proposed district as set forth in the peti-

tion so as to exclude from the proposed district any land which would be benefited by the formation of the district, nor shall there be included in the proposed district any lands which will not in the judgment of the board be benefited.

6442. If the board of supervisors concludes that any land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, it shall continue the further hearing of the petition, and shall order notice given to the nonappearing owner, requiring him to appear before it and show cause, if any he has, why his land should not be included in the proposed district.

Further
notice

6443. The notice shall be given either by publication in the same manner as the original petition and for the same period, or by personal service on each nonappearing owner.

Publication

6444. If the notice is given by personal service, it shall be given at least three days prior to the date fixed for the further hearing.

Personal
service
of notice

6445. The board of supervisors may grant further continuances, by order entered in its minutes, to the end that a full hearing may be had.

Continuance
of hearing

6446. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order containing:

Approval of
petition

(a) A description of the exterior boundaries of the proposed district, as determined by the board of supervisors.

(b) The date on which an election will be held in the proposed district.

6447. The order shall:

Order calling
election

(a) Fix the day of the election, which shall be within 60 days from the date of the order.

(b) State that at the election there shall be elected a district assessor, and five members of the board.

6448. The order shall be entered in the minutes of the board of supervisors, and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of the petition, a resident and freeholder in the proposed district.

Entry of
order

Article 3. Election on Formation and for Officers

6460. Except as otherwise specifically provided in this article, the provisions of the chapter of this part on elections govern the election on the question of organizing a district and the election of the first district officers, and the board of supervisors of the county and the county clerk shall perform the duties conferred by that chapter on the district board and its secretary, respectively.

Official
duties in
connection
with
elections

6461. A copy of the order shall be posted for four successive weeks prior to the election in three public places in the proposed district and shall be published once a week for four successive weeks prior to the election in a newspaper pub-

Posting or
publication

lished in the proposed district, if there is one, and if not, in a newspaper published in the county.

Polling
places

6462. At least 15 days prior to the election, the board of supervisors shall select one, and may select two or more, polling places in the proposed district, and shall make suitable arrangements for the election.

(Amended by Stats. 1945, Ch. 1337.)

Ballots

6463. The ballots shall contain the words, "Sanitary district: Yes," and "Sanitary district: No," or equivalent words, and the names of the persons to be voted for at the election.

Officers
elected

6464. At the election there shall be elected an assessor and the members of the board who shall be resident electors of the district.

(Amended by Stats. 1959, Ch. 155.)

Formation
upon
election

6465. If a majority of the votes cast are in favor of formation of the district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the order calling the election, setting forth the boundaries, has been established.

The order is conclusive evidence of the fact and regularity of all prior proceedings required by this part or by law, and of the existence and validity of the district.

Failure to
form

6466. If a majority of the votes cast are against formation of the district, the board of supervisors shall by order entered in its minutes so declare, and no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to the board of supervisors.

CHAPTER 3. OFFICERS

Officers

6480. The officers of the district are an assessor and five members of the board.

Powers of
board

6481. The board is the governing power of the district, and exercises all district powers, except the making of an assessment roll in the first instance.

Terms of
board
members

6482. Except as to those members of the board who are elected at the election on formation, the term of office of each member of the board is four years and each holds office until the election and qualification of his successors or his resignation or termination of residence within the district.

(Amended by Stats. 1959, Ch. 156.)

Vacancies

6483. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board.

Staggered
terms

6484. The members of the board elected at the election as a result of which the district was organized or, if the district is reorganized under this part, then the five members in office at the time of the reorganization, shall at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Two shall serve until the election held in the first even-numbered year after the year in which the district is formed

or reorganized, and until the election and qualification of their successors.

(b) Three shall serve until the second even-numbered year after the district is formed or reorganized, and until the election and qualification of their successors.

(Amended by Stats. 1949, Ch. 977.)

6485. Elections for members of the board shall be held as follows: Time of election

(a) For two members every fourth year beginning with the first even-numbered year after the year in which the district is formed or reorganized.

(b) For three members every fourth year beginning with the second even-numbered year after the year in which the district is formed.

(Amended by Stats. 1949, Ch. 977.)

6486. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and shall appoint a secretary who may be a member of the board. President and secretary

(Amended by Stats. 1945, Ch. 1337.)

6487. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president, and countersigned by its secretary. Signatures

6488. The board shall hold such meetings, either in the day or in the evening, as may be convenient. Meetings

In case of the absence or inability of the president or secretary to act, the board shall choose a president pro tem., or secretary pro tem., or both as the case may be.

6489. Each of the members of the board may receive not to exceed twenty-five dollars (\$25) for each day of his actual attendance of the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the sanitary board shall, however, receive not to exceed seventy-five dollars (\$75) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board. Compensation

Each member of the sanitary board shall be allowed eleven cents (\$0.11) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

(Amended by Stats. 1939, Ch. 239, by Stats. 1947, Ch. 205, and by Stats. 1957, Ch. 126 and Ch. 1491.)

6489.5. Every member of the board, whether elected or appointed, may be recalled by the voters in accordance with the recall provisions of Chapter 2 of Division 13 of the Elections Code applicable to officers of counties. Recall

(Added by Stats. 1951, Ch. 398.)

6490. A general regulation of the board shall be entered in its minutes, and shall be published once in a newspaper Publication of regulations

published in the district, if there is one, and if not, then it shall be posted for one week in three public places in the district.

A subsequent order of the board that publication or posting has been made is conclusive evidence that the publication or posting has been properly made.

A general regulation takes effect upon expiration of the week of publication or posting.

Entry of
orders

6491. Unless otherwise provided by this part, orders not establishing a general regulation need not be published or posted, but shall be entered in the minutes and shall take effect upon adoption.

(Amended by Stats. 1953, Ch. 765.)

Codes or
specifications

6491.1. The district board may, by general regulation, adopt codes or specifications controlling the manner of construction, repair, maintenance and operation of facilities referred to in Sections 6512 and 6522. Such codes or specifications need not be set out in full in such general regulation but may be incorporated therein by reference. Copies of such codes or specifications shall be available for examination in the office of the secretary at all times.

(Added by Stats. 1957, Ch. 1491.)

District
attorney

6492. The board may instruct the district attorney of the county to commence and prosecute any or all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon him for advice as to any sanitary subject; and the district attorney shall obey the instructions and give advice when requested by the board.

Special
counsel

6493. The board may at any time employ special counsel for any purpose.

Assessor:
Election

6494. There shall be an election for assessor in each even-numbered year in which members of the board are elected, and at the same time, place, and manner; provided, however, that if a district board has elected to avail itself of the county assessment roll for district taxation pursuant to Article 6 of Chapter 7 of this part, no assessor shall thereafter be elected until it shall again elect the use of its own tax roll.

Term

The assessor holds office for two years, and until the election and qualification of his successor except that the first assessor elected holds office until the election and qualification of his successor.

Vacancy

If a vacancy occurs in the office of assessor, the board shall appoint a suitable person to fill the vacancy until the next election at which an assessor may be elected under this part.

(Amended by Stats. 1951, Ch. 584.)

Duties

6495. The assessor's duties are fixed by this part and he shall perform such other duties as are ordered or required by the board.

Compensation

6496. The assessor shall receive such compensation as shall be fixed by the board.

Classification
of places of
employment

6497. (1) The sanitary board of sanitary districts may classify all the places of employment in or under the district,

and in or under all the offices and departments of the district, with reference to the examinations hereinafter provided for. The places so classified by the sanitary board may constitute the classified civil service of the district, and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

(2) The sanitary board may make rules to carry out the purposes of this section, and for examinations, appointments, promotions, and removals, and may from time to time make changes in existing rules. All rules and all changes therein shall be forthwith printed for distribution by the sanitary board. Rules

(3) The examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of manual or professional skill. The selection of laborers shall be governed by priority of application as far as may be practicable. No questions in any examination shall relate to political or religious opinions or affiliations. The sanitary board shall control all examinations. Examinations

(Added by Stats. 1949, Ch. 977; amended by Stats. 1957, Ch. 1491.)

6499. Any county officer required to act as an officer of the district and perform services for the district by virtue of his office, shall be entitled to reimbursement from the district for the reasonable and actual expenses incurred by him while acting on behalf of the district, to be paid into the county treasury. The amount of such reimbursement shall not exceed the actual expense incurred by the county officer. Reimbursement of county officers

(Added by Stats. 1951, Ch. 466; amended by Stats. 1955, Ch. 1874, and by Stats. 1957, Ch. 1491.)

CHAPTER 4. DISTRICT POWERS

Article 1. Generally

6510. A district may use a seal, alterable at the pleasure of the board. Seal

6511. It may sue and be sued by its name. Power to sue and be sued

6512. It may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join with any county or municipality or any other district or governmental agency. Garbage dump, sewers, etc.

Approval
of garbage
dump site

Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

Use of
property
by other
agencies

6513. It may permit the use of any property of the district by any county or municipality, or any other district or governmental agency.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

Acquisition
of property

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper to the exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them, and it may dispose of such of its property as the board finds to be no longer required for the purposes of the district.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1955, Ch. 1874.)

Contracts

6515. It may make and accept contracts, deeds, releases, and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

Bids

6515.5. If the total cost of any work exceeds two thousand five hundred dollars (\$2,500), the district shall publish a notice requesting bids therefor by publication for once a week for two consecutive weeks in a newspaper of general circulation in the county in which the district is located and may award the contract to the lowest responsible bidder. The notice shall state the time and place for receiving and opening of sealed bids and describe in general terms the work to be done.

Award of
contract

If more than one bid is received, the board may award a contract, as specified in the notice requesting bids, to the lowest responsible bidder. If only one bid is received, the board may either accept the bid or reject it and enter into a contract as provided in Section 6515 or order the work done by day's work. If no bids are received, the board may either enter into a contract as provided in Section 6515 or order the work done by day's work.

(Added by Stats. 1951, Ch. 1104; amended by Stats. 1957, Ch. 1491.)

Payments
Employees

6516. It may pay lawful claims and demands against it.

6517. It may employ and pay necessary agents and assistants.

Sewers in
public ways

6518. It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper condition. The work of restoring and repairing any such public street or road in the county shall be done under

the supervision and control of the county engineer or road commissioner at the cost of the district, and in accordance with the standards established by ordinance of the board of supervisors for restoring and repairing county roads. If the street or road is in a city the consent of the proper city authorities shall first be obtained. If the street or road is in the unincorporated area of the county, the consent of the proper county authorities shall first be obtained.

(Amended by Stats. 1951, Ch. 923, and by Stats. 1953, Ch. 1568.)

6518.5. It may collect waste and garbage.

Collect waste
and garbage

(Added by Stats. 1939, Ch. 303.)

6519. It may call and conduct all necessary or proper elections.

Elections

6520. It may compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewerage or drainage disposal service with the sewers and storm drains in streets and to use the garbage collection and disposal system.

Power to
compel use
of sewers

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

6520.5. It may, by an order approved by a two-thirds vote of the members of the board, prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems. Revenues derived by the district under the provisions in this section shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

Fees

(Added by Stats. 1947, Ch. 1286.)

6521. It may make and enforce all necessary and proper regulations for:

Regulations

(a) The removal of garbage.

(b) The cleanliness of the roads and streets of the district.

(c) All other sanitary purposes not in conflict with the laws of this State.

6521.5. Any district may exercise the power granted to sanitation districts by Section 4765 of this code.

Powers

(Added by Stats. 1949, Ch. 1018.)

6522. It may do any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

Other powers

6522.1. No regulation or ordinance of a district which regulates or prescribes standards for the installation of plumbing inside of buildings and structures, shall be effective within any county, city and county, or city which has adopted an ordinance, regulation, or code incorporated in an ordinance governing such installations.

Ordinances

(Added by Stats. 1953, Ch. 1155.)

Penalty

6523. A violation of a regulation or ordinance of a district is a misdemeanor punishable by fine not to exceed one hundred dollars (\$100), imprisonment not to exceed one month, or both.

Incur and
discharge
indebtedness

6523.1. It may borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

(Added by Stats. 1947, Ch. 1375.)

Inspection

6523.2. In order to effect its powers, it may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation is found to exist.

Termination
of service

Notice

Prior to termination of service, however, the district board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the county or as known to the clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefor and the date the district board shall hold a hearing upon such intended termination. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein required.

(Added by Stats. 1959, Ch. 1068.)

Article 1.5. Inclusion in County Sanitation District

(Article 1.5 added by Stats. 1947, Ch. 1375)

Inclusion
in county
sanitation
district

6524. Any district organized under the provisions of this act may become a part of a county sanitation district after the board of supervisors of the county within which the district is located, has, after a hearing, pursuant to the County Sanitation District Act, found and determined by resolution duly adopted that such inclusion is for the best interest of the district and the governing body of the district consents thereto by resolution adopted by the affirmative vote of four-fifths of its members.

(Added by Stats. 1947, Ch. 1375.)

Inclusion
not dissolution

6525. A sanitary district which becomes a part of a county sanitation district as hereinabove provided for is not thereby dissolved, but may continue to function, except as herein otherwise provided, in the same manner as heretofore.

(Added by Stats. 1947, Ch. 1375.)

Subsequent
inclusion

6526. When a sanitary district is not included in a county sanitation district at the time of formation of the latter, it may subsequently become included within such county sanitation district, upon its sanitary board adopting a resolution, by the

affirmative vote of four-fifths of its members, declaring its intention so to do.

(Added by Stats. 1947, Ch. 1375.)

6527. Following the formation of such county sanitation district it shall have no jurisdiction within such sanitary district until the legislative body of such sanitary district shall, by resolution adopted by the affirmative vote of no less than four-fifths of its members, determine what facilities and functions of constructing, maintaining and operating sanitary sewerage facilities of such sanitary district shall be transferred to such county sanitation district.

Transfer of facilities, etc.

(Added by Stats. 1947, Ch. 1375.)

6528. Copies of the resolutions herein mentioned, duly certified by the clerk or secretary of the respective legislative bodies, shall be filed with the county clerk, in the respective files of such sanitary district and county sanitation district, and with the county assessor, and such resolutions shall not be effective until said copies are so filed.

Filing copies of resolutions

(Added by Stats. 1947, Ch. 1375.)

6529. Nothing herein shall prevent any territory within a county sanitation district from being formed into or annexed to any sanitary district, and such territory shall thereafter become subject to this article.

Scope of article

(Added by Stats. 1947, Ch. 1375.)

Article 2. Sewer Maintenance in Cities

6530. At any time after the sewer or other sanitary system is constructed the governing body of any city lying within the limits of the district may elect to keep and maintain the lateral sewer lying within the city in order and repair and may enter into an agreement with the board to do so.

Contract with city

From the date of the agreement the governing body shall keep the lateral in repair and the board is not required to keep it in order or repair.

After a city elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of the city shall not be taxed for running expenses necessary to keep and maintain the lateral sewer lying within the city in order and repair but shall be taxed for the inspection and repairs of the main sewers lying within the city together with the expense of those functions other than sewerage collection within the city performed by the district pursuant to Section 6512 hereof.

(Amended by Stats. 1949, Ch. 1201.)

6531. Where an entire district shall have heretofore become located within the boundaries of a city by reason of the incorporation thereof, and said district shall have continued thereafter to function as a sanitary district, and no court having jurisdiction of the subject matter shall have adjudicated that said district has merged with said city, and a portion of the boundary of said district shall thereafter have become extended

Merger

beyond the territorial limits of said city by reason of annexation thereto, said district shall during all said times be and constitute a legally existing sanitary district and shall not thereafter be deemed or adjudged to have merged with said city by reason of said original inclusion therein.

(Added by Stats. 1949, Ch. 977.)

Article 3. Application of Other Statutes

Assessment
of costs

6540. The governing board may order the construction of sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and appurtenances and appurtenant work in the whole or any portion of any of the streets, highways, or public places either in or out of the district, or in property or in rights of way owned by the district, and acquire property, rights of way, and easements therefor, and may provide that the cost shall be assessed upon the fronting lots and lands or on a special assessment district; provided, that said district shall first obtain the consent to said work and the assumption of jurisdiction thereover from the legislative body having jurisdiction of the territory within which any of the proposed work is to be done; and provided further, that if any of the territory proposed to be assessed shall be outside the boundaries of the district, the consent of the legislative body having jurisdiction over such territory shall be obtained to the formation of the special assessment district.

(Amended by Stats. 1939, Ch. 303, Ch. 566 and Ch. 1124, and by Stats. 1953, Ch. 765.)

Applicable
statutes

6541. The Improvement Act of 1911, the Street Opening Act of 1903, the Improvement Bond Act of 1915, the Street Improvement Act of 1913, and the Municipal Improvement Act of 1913 are applicable to districts.

(Amended by Stats. 1939, Ch. 566 and Ch. 1124, and by Stats. 1957, Ch. 1491.)

6541.5. (Added by Stats. 1939, Ch. 303; amended by Stats. 1941, Ch. 1072; repealed by Stats. 1957, Ch. 1491.)

Definitions

6542. In the application of those acts to proceedings under this article the terms used in those acts shall have the following meanings:

- (a) "City council" and "council" mean board.
- (b) "City" and "municipality" mean district.
- (c) "Clerk" and "city clerk" mean secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.
- (e) "Tax collector" means county tax collector.
- (f) "Treasurer" and "city treasurer" mean any person or official who has charge of and makes payment of the funds of the district.

(g) "Right of way" means any parcel of land in, on, under or through which a right of way or easement has been granted to the district for the purpose of constructing and maintaining any of the works or improvements mentioned in Section 6540.

(h) "Health officer" means the health officer appointed by the legislative body having jurisdiction over all or any portion of the territory to be served by any of the works mentioned in Section 6540, except that as to cities which have consented to or contracted for health administration by the county health officer pursuant to Division 1, Part 2, Chapter 1, Articles 2 and 2A of the Health and Safety Code, it shall mean the county health officer.

(Amended by Stats. 1953, Ch. 765.)

6543. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district. Powers of officers

6544. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by such districts under Article 1 of this chapter. Restriction

(Added by Stats. 1941, Ch. 1072.)

6545. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory. Lien

(Added by Stats. 1941, Ch. 1072.)

CHAPTER 5. ELECTIONS

Article 1. Generally

6560. The election on the question of formation of a district and all district elections shall be conducted as nearly as practicable in accordance with the general laws, except that the requirements as to the form of ballots and the nomination of candidates do not apply. Conduct of elections

6561. Every voter resident within the district or a proposed district for the period requisite to enable him to vote at a general election, is entitled to vote at district elections. Voters in district

6562. At an annexation election every qualified voter resident in the territory proposed to be annexed for the length of time necessary to enable him to vote at a general election may vote. Voters in annexation election

(Amended by Stats. 1949, Ch. 977.)

Registration

6563. At district elections the last great register of the county shall be used, and any person otherwise entitled to vote whose name is not upon the register is entitled to vote upon producing and filing with the election board a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of the county.

Polling places

6564. The board may establish a convenient number of polling places.

(Amended by Stats. 1947, Ch. 205, by Stats. 1949, Ch. 977, and by Stats. 1955, Ch. 1241.)

Officers of elections

6565. (Repealed by Stats. 1949, Ch. 977.)

6566. For all elections the board shall appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election.

Election board

6567. These election officers constitute the election board.

Absent election board

6568. If no election officers are appointed, or if those appointed are not present at the time of the opening of the polls, the voters present may appoint them and they shall conduct the election.

Article 2. Election of Officers

Date of elections

6580. All elections of officers, after the formation of the district shall be held on the second Tuesday in September.

(Amended by Stats. 1951, Ch. 458 and Ch. 1494, and by Stats. 1957, Ch. 1102.)

Notice

6581. Not less than 60 days before the day of the election the board shall give notice of the election by posting notices in three public places in the district.

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

(Amended by Stats. 1953, Ch. 1661.)

Nomination by petition

6582. The name of a candidate shall be printed on the ballot, when a nominating petition has been filed with the secretary.

Signatures on petition

6583. The nominating petition shall consist of not less than five nor more than 20 signatures.

Form of petition

6584. It shall read substantially as follows:

NOMINATING PETITION

State of California }
County of _____ } ss.

I (or we) the undersigned certify that I join in a petition for the nomination of _____ for the office of _____ of the sanitary district (naming it) _____ to be voted for at the election on the _____ day of _____, 19____. I am a qualified

elector, residing in the district. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed)-----

State of California }
County of----- } ss.

-----being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

6585. The nominating petition may be upon one or more sheets of paper. One or more sheets

Each petition shall contain the name of only one candidate who shall be a resident elector of the district. One candidate

(Amended by Stats. 1959, Ch. 154.)

6586. Each signer shall be a qualified elector, residing in the district, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office. Signers

6587. The petitions shall be verified under oath of one of the signers, that the signatures are the signatures of the persons whose names they purport to be. Verification

6588. A nominating petition may be presented to the secretary not earlier than 60 nor less than 40 days before the election. Time for presentation

(Amended by Stats. 1953, Ch. 1659.)

6588.1. If, on the fortieth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors or for the office of assessor to be filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any Appointment in lieu of election

qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

(Added by Stats. 1953, Ch. 1660; amended by Stats. 1957, Ch. 1491.)

Indorsement
of date on
petition

6589. The date upon which the petition is presented shall be indorsed on it by the secretary.

Examination
of petition

6590. When a petition is presented for filing the secretary shall forthwith examine it and ascertain whether or not it conforms to this part.

If found not sufficient it shall be returned to the person who presented it.

Ballots to
be printed

6591. The secretary shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this part.

County
clerk's duties

6592. Where a district has not already been formed the county clerk shall perform the duties of the secretary concerning nominations.

Canvass

6593. The election board shall publicly canvass the votes immediately after the closing of the polls, and shall certify the result to the board within 24 hours after the closing of the polls. Within 15 days after the time for receipt of absentee ballots shall have expired, the board shall canvass the returns, and shall deliver a certificate of election to each officer elected.

(Amended by Stats. 1953, Ch. 765, and by Stats. 1957, Ch. 1491.)

Article 3. Bond Elections

Notice of
bond election

6610. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in three public places in the district, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Contents
of notice

6611. The notice shall contain:

- (a) Time and place of holding the election.
- (b) The names of the officers of election appointed to conduct it.
- (c) The hours during the day in which the polls will be open.
- (d) A statement of the purpose for which the election is held.

(e) The amount of the proposed bonds, the rate of interest or maximum rate of interest to be paid and the number of years not to exceed which the whole of the bonds are to run.

(Amended by Stats. 1949, Ch. 977.)

6612. The vote shall be by ballot, without reference to the Ballot general law in regard to form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

6613. After the votes have been announced the ballots shall Canvass be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election meet and canvass the returns and enter the results in its minutes.

The entry is conclusive evidence of the fact and regularity of all prior proceedings and of the facts stated in the entry.

(Amended by Stats. 1953, Ch. 765.)

Article 4. Annexation Elections

6625. Notice of an annexation election shall be given by Notice of election posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the district and the territory proposed to be annexed, and by publication once a week for four successive weeks prior to the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in the county.

6626. The ballot shall contain the words, "For annexation Ballot to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each proposition.

6627. After the votes have been announced the ballots Canvass shall be sealed and delivered to the secretary or president, and the board shall, as soon as practicable proceed to canvass them.

6628. Immediately upon the completion of the canvass the board shall cause a record to be made and entered upon its minutes showing the number of votes cast in the territory proposed to be annexed, the number of votes cast in favor of annexation, and the number cast against annexation. Entry of result

(Amended by Stats. 1959, Ch. 157.)

6629. The entry of the order canvassing said election is Effect of entry of order conclusive evidence of the fact and legality of all prior proceedings and of the facts stated in the entry.

(Added by Stats. 1949, Ch. 977.)

CHAPTER 6. BONDS

Article 1. Generally

Authority	6640. A district may issue bonds as provided in this part.
Purposes	6641. A district may issue bonds to raise money for any of the purposes stated in Section 6512 hereof. (Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th Ex. Sess.), Ch. 53.)
Order calling election	6642. By order entered in its minutes, when in its judgment it is advisable, the board may and shall, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether bonds shall be issued.
Requirements of order	6643. The order calling the election may submit as one proposal the question of issuing bonds to make all of the outlays, or so many of them as may be selected, or the order may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination. (Amended by Stats. 1953, Ch. 765.)
Two-thirds vote required	6644. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the order calling the election. (Amended by Stats. 1955, Ch. 1874.)
Resubmission	6644.1. If at an election held pursuant to Section 6644, two-thirds of the vote cast were not in favor of the issuance of the bonds and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health, and said finding is concurred in by the board of supervisors of such county as evidenced by resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until September 1, 1956. (Added by Stats. 1955, Ch. 1874.)
Termination date	
Denomination of bonds	6645. Bonds issued by the district under the provisions of this part shall be of such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars (\$100), or greater than one thousand dollars (\$1,000).
Rate of interest	6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 6 percent per annum, payable semi-annually in like lawful money. The interest for the first year may be payable in one installment at the end of such year, or

the interest for the period from the date of the bonds to a date not later than 30 days after the date the second installment of the first district taxes levied after the date of said bonds will become delinquent may be payable in one installment at the end of such period.

(Amended by Stats. 1953, Ch. 765.)

6647. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board, which need not be an anniversary of the date of the bond. Payment
on date
specified

The board may provide that any bond issued by the district may be subject to call and retirement prior to maturity at such times and prices and upon such other terms as the board may specify. If a bond is subject to call and retirement prior to maturity that fact shall be stated in the bond.

(Amended by Stats. 1939, Ch. 304, by Stats. 1949, Ch. 977, and by Stats. 1953, Ch. 765.)

6648. Each bond shall be signed by the president and countersigned by the secretary. Signatures

The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond. Coupons

6649. The bonds shall be sold by the board in such manner and in such quantities as may be determined by it in its discretion. Sale

No bond may be sold for less than its face value.

Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

(Amended by Stats. 1953, Ch. 765.)

6650. The term of bonds issued shall not exceed 40 years. Term of
bonds

6651. The outstanding bonds of the district shall not at any one time exceed 15 percent of the assessed value of the real and personal property of the district. Within the meaning of this section the term "bonds" means only bonds payable from the proceeds of taxes levied upon taxable property in the district. Bond limit

(Amended by Stats. 1953, Ch. 765.)

6652. (Repealed by Stats. 1949, Ch. 977.)

6653. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, before issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding Determina-
tion of
validity
of bonds

in relation to irrigation bonds, provided for by "The California Irrigation District Act," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

Issue of
bonds

6654. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

Division of
principal

(2) The sanitary board of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Applicability
of provisions

(3) The provisions of this section shall also apply to bonds issued in an annexed territory and to reconstruction bonds and refunding bonds.

(Added by Stats. 1949, Ch. 977.)

Determina-
tion of
amount

6655. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1951, Ch. 1648; repealed by Stats. 1953, Ch. 765; added by Stats. 1957, Ch. 1378.)

*Article 2. Bonds of Annexed Territory

(Heading amended by Stats. 1943 (4th Ex. Sess.), Ch. 53)

Bonds for
facilities in
annexed
territory

6660. At any time after the annexation of territory, the board may issue bonds to raise money for any of the purposes stated in Section 6512 hereof in or for the benefit of said annexed area in the same manner as in any other part of the district, except, only qualified electors resident within the annexed terri-

tory are entitled to petition or vote in the proceedings. In the event any such bonds are issued in such annexed territory, or in lieu thereof proceedings are had under Article 3 of Chapter 4 of this part, said territory shall not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized to be issued for one or more of the same purposes under Article 1 of Chapter 6 of this part. When no such bond proceedings are intended to be taken in such territory, then in the order of the sanitary board fixing the boundaries thereof, or by resolution adopted subsequently thereto when it is found by said sanitary board to be necessary in order to provide equality of taxation in said annexed area, said sanitary board may determine that said annexed area shall not be subject to taxation for any prior indebtedness of said district or of any other part thereof. Certified copies of said resolution shall be filed with the county clerk and also with the county assessor and thereafter said annexed area shall not be subject to taxation for any such prior indebtedness.

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53, and by Stats. 1947, Ch. 1375.)

6661. The provisions of this part with reference to bonds in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation.

Effect of provisions

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

Article 3. Reconstruction Bonds

6670. (Repealed by Stats. 1953, Ch. 765.)

6670.1. Bonds of the district for the purpose of providing funds for the construction of a larger main sewer or a different system shall be authorized and issued in the same manner as that provided in this part for other bonds of the district.

Bonds for larger or new system

(Added by Stats. 1953, Ch. 765.)

Article 4. Exchange of Bonds

6680. After a district organized under the Sanitary District Act of 1891, or Chapter 161, Statutes of 1891, has been reorganized under this part the entire amount of bonds issued by it under either act may be presented by the holder to the board, and there shall be issued in exchange to the holder, by the board, bonds issued in accordance with this part for the various amounts of the bonds surrendered.

Exchange of bonds upon reorganization

6681. The new bonds shall be payable as nearly as practicable at the same time as the installments on the old bonds and in equal amounts.

Installments

Interest on the new bonds shall be paid at the same time and rate as on the old bonds.

Interest

Annual amount payable	The amount of the new bonds payable in any one year shall equal the amount of the installments on the old bonds payable in that year.
Expense of exchange	6682. The expenses of the exchange shall be borne by the holder of the bonds presented for exchange.
Cancellation of old bonds	6683. After the exchange the old bonds shall be canceled by punching holes in the signatures, and shall be retained by the county treasurer.

Article 5. Refunding Bonds

(Article 5 added by Stats. 1939, Ch. 304)

Power to issue refunding bonds	6690. The board may cause refunding bonds to be issued for the purpose of refunding any or all outstanding bonds of the district. (Added by Stats. 1939, Ch. 304.)
Purpose of refunding bonds	6691. Refunding bonds shall be issued and delivered only when the bonds to be refunded have matured or are about to mature or are subject to retirement before maturity, or, if the outstanding bonds are not subject to retirement the retirement thereof shall have been assured or obtained by consent of the holders thereof. (Added by Stats. 1939, Ch. 304.)
Manner and form	6692. Except as otherwise provided in this article, refunding bonds shall be issued in substantially the manner and form prescribed for the issuance of other bonds under this part and the provisions of this part concerning the authorization, certification, issuance, and sale of bonds shall be applicable to bonds issued under this article. (Added by Stats. 1939, Ch. 304.)
Election	6693. The board desiring to refund any of its bonds may formulate a proposed plan for that purpose and shall call an election for the purpose of authorizing the issuance of such refunding bonds. The election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this part for the issuance of other bonds of the district. (Added by Stats. 1939, Ch. 304.)
Majority vote	6694. Only a majority vote shall be required to authorize the issuance of refunding bonds. (Added by Stats. 1939, Ch. 304.)
Maturity date	6694.1. The maturity date of refunding bonds shall be fixed by the board but in no case shall the maturity of any such bonds be more than 40 years from the date thereof. (Added by Stats. 1939, Ch. 304.)
Interest	6694.2. The rate of interest on refunding bonds shall not exceed 6 per cent per annum payable semiannually. (Added by Stats. 1939, Ch. 304.)

6694.3. Refunding bonds may be issued in a principal Amount
amount sufficient to provide funds for the payment of the
bonds to be refunded thereby and in addition all expenses
incidental to the calling, retiring or payment of such outstand-
ing bonds and the issuance of such refunding bonds.
(Added by Stats. 1939, Ch. 304.)

CHAPTER 7. FINANCES AND TAXATION

Article 1. Generally

6695. Except as otherwise provided in this part, no more Tax limit
than sixty cents (\$0.60) on each one hundred dollars (\$100)
assessed valuation shall be levied for all the district purposes
in any one year, besides what is required for the payment of
the bond principal and interest for that year.

(Amended by Stats. 1939, Ch. 1059, and by Stats. 1953, Ch.
628.)

6696. The board may prescribe the time and manner of When board
assessing, levying, and collecting taxes for district purposes, may pre-
except as otherwise provided in this part. scribe
methods

6697. District taxes may be assessed, levied, and collected Purpose
for any or all of the following purposes: of tax

(a) To pay the principal and interest of the bonds issued by
the district.

(b) To raise money for any of the purposes stated in Sections
6512 and 6660 hereof.

(c) To pay any lawful claims against the district.

(d) To pay the running expenses of the district.

(Amended by Stats. 1939, Ch. 304, and by Stats. 1943 (4th
Ex. Sess.), Ch. 53.)

6698. The board shall annually levy a tax upon the taxable Amount
property in the district sufficient to pay the interest on bonds of tax
for the year, and such portion of the principal as is due or is
to become due during the year, so that the entire amount of
principal and interest of the bonds shall be paid at or before
maturity, and in any event within 40 years of the date of
issuance of the bonds.

6699. If any portion of the interest or principal due for Unpaid
any year remains unpaid, it shall be added to the levy for the interest or
next year, and shall be collected and paid accordingly. principal

6700. The payment of the principal and interest of all Forty-year
bonds, within 40 years from their issuance, is the obligation bond limit
of the district; and, if necessary to accomplish that purpose, Special tax
a special tax shall be levied.

6701. Taxes for the payment of the principal and interest Property
of bonds of annexed territory shall be limited to the taxable taxable in
property in the annexed territory. annexed
territory

(Amended by Stats. 1943 (4th Ex. Sess.), Ch. 53.)

Article 2. Assessment by District Assessor

Assessment
by district
assessor

6715. Between the first Mondays in March and July annually the assessor shall assess all taxable property in the district to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 o'clock noon of the first Monday in March next preceding.

Mistakes

6716. No mistake in the name of the owner of any property, or any informality in the description or in other parts of the assessment, shall invalidate the assessment.

Verification
and deposit
of roll

6717. The assessor shall verify his assessment roll, and shall deposit it with the board on the first Monday in July in each year, or as soon thereafter as is practicable.

Applicable
laws

6718. All the provisions of law relating to assessment of property by county assessor shall, so far as applicable, apply to and govern the acts of the assessor in the assessment of taxable property in the district.

Article 3. Equalization of Assessments by District Assessor

Board of
equalization

6730. Annually, on the first Monday of July at 7.30 p.m. the board shall meet as a board of equalization.

To proceed if
roll returned

6731. If the district assessor has returned the assessment roll for the year the board shall proceed to equalize the assessments.

Adjournment

6732. If the assessment roll has not been returned by the district assessor the board shall adjourn from time to time until the roll has been returned, and for the purpose of adjournment one or more of the members of the board present may make and announce the adjournment.

(Amended by Stats. 1959, Ch. 161.)

Duty to
equalize

6733. When the assessment roll is returned by the district assessor, the board shall equalize the assessments, and the board shall continue in session as a board of equalization with reasonable intermissions until the roll has been examined, rectified, and equalized.

Hearings

6734. The board may hear complaints as to the proceedings of the district assessor and adjudicate and determine the controversy. It may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board.

Modification

Article 4. Levy of Tax

Fixing
of rate

6745. After the equalization of the assessments has been completed, the board shall, by resolution, fix the rate of taxation for district purposes, designating the number of cents on each one hundred dollars (\$100) to be levied for each fund and shall designate the fund into which the proceeds shall be paid.

Computation
of tax

6746. After the entry in the minutes of the resolution fixing the rate of the tax the board shall cause the district assessor to compute the amount of the tax upon each item of

real and personal property, and enter the amount on the assessment roll.

6747. When completed, the roll shall be verified by the district assessor and signed by the president and secretary. Signatures

The amount of the tax then is a lien on the property against which it is assessed, and has the effect of a judgment against the owner. Tax lien

The lien has the force and effect of an execution duly levied against all the property of the delinquent, and is not satisfied and the lien is not extinguished until the taxes are paid or the property sold to satisfy them. The statute of limitations shall not apply.

Article 5. Collection

6760. As soon as practicable, but not later than the third Monday in August, after the taxes have been computed and extended on the assessment roll, verified by the district assessor and signed by the president and secretary of the board, the board shall transmit, or cause the district assessor to transmit, the roll or a duplicate to the tax collector of the county. Roll transmitted to tax collector

6761. The tax collector shall collect the taxes shown to be due, in the same manner as he collects the county taxes. Collection

6762. All the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of their payment, so far as applicable, apply to the collection of district taxes. Applicable laws

6763. The board may direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes. Collection by district attorney

The district attorney shall carry out such directions of the board.

The district attorney and the sureties on his official bond are responsible for the due performance of the duty imposed upon him by this part.

6764. All money collected for district purposes by the district attorney under this part shall be at once paid to the treasurer. Remittance by district attorney

6765. The board may at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection. Collection system

6766. The tax collector shall immediately pay to the treasurer all money collected by him for district purposes and the treasurer shall keep it in the county treasury as provided in this part. Remittance by tax collector

6767. The tax collector and the sureties on his official bond are responsible for the due performance of the duties imposed upon him by this part. Official bond

Article 6. Use of County Assessor's Roll

6780. The board may elect to avail itself of the assessment made by the assessor of the county in which the district is situated, and may take that assessment as the basis for district taxation. Authority to use county assessment

**Resolution of
intention**

6781. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Until the board by resolution elects otherwise all taxes shall be levied by the board of supervisors of the county in which the district is situated and collected by the county assessor and tax collector of the county.

(Amended by Stats. 1939, Ch. 1059.)

**Statement
of assessed
value**

6782. Following the board's election, the county auditor shall before July 20th of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

(Amended by Stats. 1939, Ch. 1059.)

**Fixing rate
of tax**

6783. The board shall then, on or before August 10th, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

(Amended by Stats. 1939, Ch. 1059, and by Stats. 1957, Ch. 1491.)

**Designation
of amount
for each fund**

6784. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll.

**Board to
transmit
statement
of rate fixed**

6785. When so determined, the board shall certify to the board of supervisors of the county in which the district is situated the amount of money needed and the rate of taxation fixed. The board of supervisors shall thereafter levy a tax at the rate certified upon all taxable property in the district, at the time of making the levy of county taxes for the particular year.

Levy

(Repealed and added by Stats. 1939, Ch. 1059.)

**Computation
of tax**

6786. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

**Collection
of tax**

The taxes shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Amended by Stats. 1939, Ch. 1059.)

Tax lien

6787. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Article 7. Funds

6790. In a fund called the "bond fund of sanitary district" (naming it) the treasurer shall keep the money levied by the board for that fund. Bond fund

6791. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of the principal and interest of the bonds of the district, and for the retirement of bonds that have been issued by a district that formerly formed a part of the district while any bonds are unpaid. Use of bond fund

6792. In a fund called the "running expense fund of ----- Sanitary District" (naming it) the treasurer shall place and keep the money levied by the board for that fund. Running expense fund

6793. The whole or any part of the money in the running expense fund shall be transferred to the bond fund, or to any other fund provided for in this part, on the order of the board. Transfer of funds

6794. The treasurer shall pay out money of the district only upon the written order of the board, signed by the president and countersigned by the secretary. Payments

The order shall specify the name of the person to whom the money is to be paid, the fund from which it is to be paid, and shall state generally the purpose for which the payment is to be made.

The order shall be entered in the minutes of the board.

6795. The treasurer shall keep the order as his voucher, and shall keep a specific account of receipts and disbursements for the district. Accounts

6796. The proceeds of the sale of bonds shall be deposited with the treasurer and shall be by him placed in the fund to be called the "sewer construction fund of ----- Sanitary District" (naming it). Sewer construction fund

6797. The money in the sewer construction fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose, but, if after those purposes are entirely fulfilled any balance remains in the fund, the balance may, upon the order of the board, be transferred to either of the other funds provided by this part. Use of sewer construction fund

6798. All fines for the violation of any regulation or order of the board shall, after the expenses of the prosecution are deducted, be paid to the secretary, who shall forthwith deposit them with the treasurer, who shall place them in the running expense fund of the district. Disposition of fines

6799. The county treasurer and sureties upon his official bond are liable for the due performance of the duties imposed upon him by this part. Official bonds

6800. Notwithstanding the provisions of any other section of this article, the board may, out of any surplus funds remaining in the bond fund, the running expense fund or the sewer construction fund, purchase in the open market its outstanding unmatured bonds. Purchase of unmatured bonds

No bonds shall be purchased at a price above par and accrued interest plus an allowance of six months interest from the date of purchase. All bonds so purchased shall be canceled.

(Added by Stats. 1939, Ch. 304.)

Disbursement
by district
board

6801. As an alternative to the functions of the treasurer, the district board may elect to disburse funds of the district. Such election shall be made by resolution of the board and the filing of a certified copy thereof with the treasurer. The treasurer shall thereupon and thereafter deliver to the district all funds of the district. Such funds shall be deposited by the board in a bank or banks approved for deposit of public funds and shall be withdrawn only by written order of the district board, signed by the president and secretary. The order shall specify the name of the payee, the fund from which it is to be paid and state generally the purpose for which payment is to be made. Such order shall be entered in the minutes of the board. The district board shall appoint a treasurer who shall be responsible for the deposit and withdrawal of funds of the district. The treasurer shall deposit with the district, prior to October 1st of each year, a surety bond in the annual amount certified to the board of supervisors, pursuant to Sections 6785 or as determined pursuant to Section 6745. The deposit and withdrawal of funds of the district shall thereafter be subject to the provisions of Article 2 (commencing at Section 53630), Chapter 4, Part 1, Division 2, Title 5, of the Government Code.

(Added by Stats. 1959, Ch. 160.)

Article 8. Claims

(Article 8 added by Stats. 1959, Ch. 1727)

Claims

6805. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

CHAPTER 8. REORGANIZATION

Reorgani-
zation

6810. A district organized under Chapter 161, Statutes of 1891, or under the Sanitary District Act of 1919 may be reorganized as a district under this part.

Petition to
reorganize

6811. To effect the reorganization a petition, signed by not less than 25 residents and freeholders within the district, and also by a majority of the members of the district board, shall be presented to the board of supervisors.

Contents of
petition

6812. The petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that it be reorganized under this part.

6813. The petition shall be published for at least two weeks Publication preceding the hearing in a newspaper of general circulation published in the county, together with a notice stating the time when the petition will be presented to the board of supervisors, and that all persons interested may appear and be heard.

6814. At that time the board of supervisors shall hear the Hearing petition.

The board of supervisors shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any land which would be benefited by the reorganization of the district under this part, nor shall any lands which will not in the judgment of the board of supervisors be benefited by the reorganized district be included within the district. Modification of boundaries

6815. If the board of supervisors finds, upon the final Findings hearing of the petition, that the statements therein are correct the board shall make an order approving the petition, describing the boundaries of the territory included within the district, and declaring that the territory is organized as a district under this part.

6816. From and after the making of the order of reorgani- Order of re- organization zation by the board of supervisors, the district is organized under this part with all the powers conferred by this part.

The persons in office at the time of the reorganization are Officers entitled immediately to enter upon the duties of the like offices of the reorganized district and shall continue to serve until the election and qualification of their respective successors in accordance with this part.

6817. A district reorganized under this part is for all Effect of re- organization purposes the district previously existing.

6818. Reorganization shall not affect or impair the title Effect on property to any property owned or held by or in trust for the district, or any debt, demand, liability, or obligation existing in favor of or against the district, or any proceeding then pending.

6819. Reorganization shall not operate to repeal or affect Reorganiza- tion not to affect rights and liabilities in any manner any ordinance previously passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of the ordinance. Proceedings commenced before reorganization shall, after reorganization, be conducted in accordance with this part.

6823. The district may contract with the Federal Gov- Contracts with gov- ernmental agencies re joint facilities ernment of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage or industrial waste from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any such contract may

provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage or industrial waste upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage or industrial waste from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage or industrial waste, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage or industrial waste from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

(Added by Stats. 1949, Ch. 843.)

CHAPTER 8.5. DISTRICT REORGANIZED FROM COUNTY SANITATION DISTRICT

(Chapter 5 added by Stats. 1955, Ch. 1636)

County
officers

6825. Any duty imposed by this part on any county officer shall be deemed imposed on the county officers of the respective counties in which is situated a sanitary district reorganized under Section 4857 of this code from a county sanitation district encompassing territory in more than one county; provided, that where appropriate, the board may select the officers of one county to perform such duties for the entire district.

(Added by Stats. 1955, Ch. 1636.)

CHAPTER 9. ANNEXATION

Article 1. Generally

Territory

6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district:

(a) Any territory contiguous to the district.

(b) Any territory any point of which touches any point of the district.

(c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, water-course, lagoon, or other natural barrier.

(d) Any territory not contiguous to the district that will, in the opinion of the district board, be benefited by inclusion in the district.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

(Amended by Stats. 1941, Ch. 5 and Ch. 225, by Stats. 1957, Ch. 1491, and by Stats. 1959, Ch. 153.)

Article 2. Annexation by Election

6840. A petition signed by 25 per cent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board. Petition

6841. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other sanitary district; and shall ask that the territory be annexed to the district. Requirements of petition

6842. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars (\$100), to be approved by the board and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation, in the event that at the election less than a majority of the votes cast are in favor of annexation. Expense bond

6843. The petition shall be verified by the affidavit of one of the petitioners. Verification

6844. The petition shall be published pursuant to Section 6066 of the Government Code prior to the date of its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. Publication

Notice

(Amended by Stats. 1955, Ch. 697, and by Stats. 1957, Ch. 357.)

6845. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time. Hearing

6846. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by the Modification of boundaries

annexation of the territory to the district, nor shall any lands that will not be benefited by annexation to the district be included within the boundaries of the territory proposed to be annexed.

Order calling election 6847. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

Order to set date and show boundaries 6848. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district.

Effect of entry of order 6849. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

Order approving petition after election 6850. If a majority of the votes in the territory proposed to be annexed, at an election called therein by the district board for that purpose, are in favor of the annexation the secretary shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition, and the petition shall be transmitted to and filed with the board of supervisors. (Amended by Stats. 1949, Ch. 977.)

Effect of order approving petition 6851. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law, and of the facts stated in the entry.

Order of annexation 6852. The board of supervisors, at its next regular meeting after filing of the petition, shall by an order alter the boundaries of the district and annex to it the territory described in the petition.

Effect of order of annexation 6853. The order of the board of supervisors is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the district.

Failure of annexation on election 6854. If at the election less than a majority of the votes in the territory proposed to be annexed are in favor of the annexation of the territory to the district, the signers of the petition shall, within ten days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election, and if not paid within ten days, the board may sue on the bond to recover the cost of the election.

(Amended by Stats. 1949, Ch. 977.)

No further election for one year 6855. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition, except to collect the costs of the election.

Article 3. Annexation Without an Election

6870. Any territory specified in Section 6830 of this code may be annexed without an election in the following manner. Annexation without election
 (Amended by Stats. 1941, Ch. 5.)

6871. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board. Petition

6872. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll. Requirements of petition

6873. The petition shall state that the territory is not in any other sanitary district and shall ask that the territory be annexed to the district. Petition to ask annexation

6874. The petition shall be verified by the affidavit of one of the petitioners. Verification

6875. It shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, except that if all of the owners of property in a proposed annexation have petitioned therefor, the publication shall contain a notice of the hearing of the petition only. Publication

(Amended by Stats. 1957, Ch. 1491.)

6876. With the petition there shall be published a notice stating the number of signers of the petition, the time when the petition will be presented to the board, and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. Notice

(Amended by Stats. 1955, Ch. 697.)

6877. At the time designated the board shall hear the petition, and any person interested and may adjourn the hearing from time to time. Hearing

6878. Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the district and the contiguous territory that the territory be annexed to the district and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. Modification of boundaries

6879. However, the board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed. Limitation on power to modify boundaries

Barrier

6879.5. If there is or has been presented to the board a petition containing the signatures of owners of real property in the territory proposed to be annexed, which real property represents at least 75 per cent of the total assessed valuation of the territory exclusive of any potential "separating barrier," as defined in Section 6830 of this code, the board may, in the manner specified in this article, proceed to publish the petition and notice of hearing and hear the petition. If, at the hearing, the board finds (a) that the territory described in the petition contains any potential "separating barrier," and (b) that such potential "separating barrier" would not be benefited by annexation and should be excluded from the territory to be annexed, the board shall modify the boundaries of the territory proposed to be annexed as set forth in the petition by excluding the "separating barrier."

(Added by Stats. 1941, Ch. 5.)

District board's approval of annexation

6880. If the board upon final hearing determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall make an order describing the boundaries of the territory proposed to be annexed and shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the annexation of the territory, the finding of the board, and requesting the board of supervisors to annex the territory to the district.

Order of annexation

6881. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district.

Article 4. Alternative Procedure for Annexation of Territory

(Article 4 added by Stats. 1947, Ch. 1196; heading amended by Stats. 1957, Ch. 1491)

Alternative procedures

6885. The procedures of this article are alternative to other procedures for the annexation of territory.

(Added by Stats. 1947, Ch. 1196; repealed and added by Stats. 1957, Ch. 1491.)

Petition

6885.1. A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

(Added by Stats. 1947, Ch. 1196.)

Same: Contents

6885.2. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

(Added by Stats. 1947, Ch. 1196.)

6885.3. The petition shall state that the territory is not in ~~Same~~ any other sanitary district and shall ask that the territory be annexed to the district.

(Added by Stats. 1947, Ch. 1196.)

6885.4. The petition shall be verified by the affidavit of one Verification of the petitioners.

(Added by Stats. 1947, Ch. 1196.)

6885.5. If the board determines that it is for the best interests of the district and of the territory proposed to be annexed that the territory be annexed, it shall determine by order the terms and conditions upon which such annexation should be made. Provision may be made for payment by the territory to be annexed of the expenses of acquiring, constructing, and maintaining a sewer line connecting such territory with the district by incurring indebtedness, making a payment or payments, the payment of special taxes within the territory to be annexed in addition to taxes elsewhere in this division provided for, or by any combination of such methods. Determination

(Added by Stats. 1947, Ch. 1196.)

6885.6. A hearing shall be had on the petition and the terms and conditions fixed by the board. The petition and the terms and conditions of annexation shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county. Hearing

(Added by Stats. 1947, Ch. 1196.)

6885.7. With the petition and the terms and conditions of the annexation there shall be published a notice stating the number of signers of the petition, the time and place at which the hearing on the proposed annexation will be held, and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. Notice

(Added by Stats. 1947, Ch. 1196; amended by Stats. 1955, Ch. 697.)

6885.8. At the hearing, any person may file with the board written objections to the annexation or any portion thereof or to the terms and conditions proposed. Objections

(Added by Stats. 1947, Ch. 1196; amended by Stats. 1959, Ch. 159.)

6885.9. Upon the hearing the board shall determine whether or not the terms and conditions will be approved and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed annexation on the terms and conditions fixed by the board to show cause in writing as aforesaid shall be deemed and taken as an assent on his part to a change in the boundaries of the district upon the terms and conditions set forth in the order of the board. Determination

(Added by Stats. 1947, Ch. 1196.)

Adjourn-
ment

6886. Any hearing on the proposed annexation may be adjourned from time to time by the board, not exceeding 30 days in all, without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

(Added by Stats. 1947, Ch. 1196.)

Order

6886.1. If no protests are filed or the protests filed are overruled and denied by the board the board shall thereupon make an order describing the boundaries of the territory proposed to be annexed and the terms and conditions of the annexation.

Publication

The order shall be published in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, and with such order shall be published a statement that written consents may be filed with the board by landowners in the territory proposed to be annexed, as provided in Section 6886.3.

(Added by Stats. 1947, Ch. 1196.)

Dismissal of
proceedings

6886.2. If protests against the proposed annexation are sustained, all proceedings shall be dismissed and no proceedings shall be undertaken again concerning the territory or any part thereof until after the expiration of one year.

(Added by Stats. 1947, Ch. 1196.)

Request for
annexation

6886.3. If within 30 days of the publication of the order of the board written consents to the proposed annexation upon the terms and conditions set forth in the order are filed with the board by owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll, the board shall present to the board of supervisors a petition setting forth the proceedings theretofore taken for the annexation and requesting the board of supervisors to annex the territory to the district.

(Added by Stats. 1947, Ch. 1196.)

Order of
annexation

6886.4. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the boundaries of the district and annex to it the territory described in the petition of the board and the territory is then a part of the district and subject to the terms and conditions of the annexation.

(Added by Stats. 1947, Ch. 1196.)

Effect of
annexation

6887. Any territory annexed in accordance with law to a city, the boundaries of which are otherwise entirely included in the district, shall, upon the completion of such annexation proceedings, and adoption by the governing body of such city of a resolution ordering inclusion in the district, be deemed incorporated into and annexed to the district. Subject to the requirements of Sections 54900 to 54904, inclusive, of the Government Code, the annexed territory thereafter shall be subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property

thereof, for general district purposes and for the payment of any indebtedness theretofore or thereafter incurred by the district.

(Added by Stats. 1953, Ch. 1498.)

CHAPTER 9.5. CONSOLIDATION WITHOUT AN ELECTION

(Chapter 9.5 added by Stats. 1943, Ch. 1015)

6890. Two or more sanitary districts in the same county may be consolidated as provided in this chapter, whether their boundaries are contiguous or not. Authoriza-
tion

(Added by Stats. 1943, Ch. 1015; amended by Stats. 1955, Ch. 697.)

6891. Whenever a petition signed by 25 residents and free-holders in a district is presented to the board requesting that the district be consolidated with another district the board, after notice, shall hold a hearing on the question of such consolidation. Petition

(Added by Stats. 1943, Ch. 1015; amended by Stats. 1955, Ch. 697.)

6891.5. The board shall give notice of such hearing by publication in at least one issue of a newspaper of general circulation printed and published in the district, or if no such newspaper is printed and published therein in some newspaper circulated within the district. Notice

(Added by Stats. 1943, Ch. 1015.)

6892. The notice shall specify the time and place of hearing and that the hearing shall be on the question of consolidation with the other district, which shall be designated by name or otherwise identified in the notice. Contents
of notice

(Added by Stats. 1943, Ch. 1015.)

6892.5. At the time and place of hearing, as stated in the notice, the board shall hear the evidence for and against the proposal, and if the board determines that the consolidation would not be for the best interests of the district the proceedings shall terminate. Hearing
and deter-
mination

(Added by Stats. 1943, Ch. 1015.)

6893. If the boards of two districts each determine after such hearing that the consolidation of the districts would be for the best interests of the respective districts the boards shall in joint meeting declare their respective determinations and each shall make an order that thereafter the land within its district shall be and become a part of the consolidated district under such name as the boards shall jointly determine. Thereafter the consolidated district shall constitute a district under such name, and the joint boards shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the consolidation of such districts and requesting the board of supervisors to cause to be entered in its minutes an order setting forth the name and boundaries of the consolidated district. Joint deter-
minations

(Added by Stats. 1943, Ch. 1015; amended by Stats. 1955, Ch. 697.)

Order

6893.1. The board of supervisors at its next regular meeting after the presentation of the petition shall make and cause to be entered in its minutes an order that a consolidated district, of the name and with the boundaries stated in said petition setting forth the boundaries, has been established and, if the tax levy of said consolidated district is carried on the regular county assessment roll, shall file or cause to be filed with the assessor of the county and with the State Board of Equalization a statement of the creation of such consolidated district, setting forth the legal description of the boundaries of the consolidated district, together with a map or plat indicating such boundaries, as provided by Sections 54900, 54901, and 54902 of the Government Code.

(Added by Stats. 1955, Ch. 697.)

Governing board

6894. Upon the consolidation of such districts the consolidated district shall be governed by the joint boards until the next ensuing election at which election a new board for the consolidated district shall be elected and the terms of office of the members of each of the two boards shall terminate upon the taking of office by the new directors.

(Added by Stats. 1943, Ch. 1015.)

Outstanding indebtedness

6894.5. If at the time of a consolidation there is outstanding any indebtedness of any former district included in the consolidated district, the indebtedness shall be paid in the manner provided for the payment of indebtedness upon a dissolution of a district.

(Added by Stats. 1943, Ch. 1015.)

Nonliability

6895. A consolidated district shall not be liable for any indebtedness of any former districts included in it which was outstanding at the time of consolidation.

(Added by Stats. 1943, Ch. 1015.)

Prohibited tax

6895.5. No property in the name of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of consolidation.

(Added by Stats. 1943, Ch. 1015.)

CHAPTER 10. DISSOLUTION

Dissolution upon election

6900. A district may be dissolved upon the vote of two-thirds of its qualified electors, voting at an election called by the district board.

The election shall be called and conducted in the same manner as other elections of the district.

(Amended by Stats. 1939, Ch. 621.)

Vesting of property

6901. If at the time of dissolution there is no unpaid bonded indebtedness, the whole or that portion of the property of the district lying within the limits of a city shall vest in the city subject to the conditions set forth in this article.

Any portion of the property of the district which is without the corporate limits of any city shall vest in the board of

supervisors until incorporation of a city embracing the territory, at which time the property shall vest in the newly incorporated city.

(Amended by Stats. 1939, Ch. 621.)

6901.5. If at any time after dissolution the territory lying without the city is annexed to the city, or if thereafter a city is created or formed which embraces the territory lying without a city, then the property, as it then is, shall pass from the board of supervisors and shall vest in the original city or in the newly created city, as the case may be.

Territory
annexed
to city

(Added by Stats. 1939, Ch. 621.)

6902. If at the time of the election to dissolve the district there is an outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes except the levy and collection of taxes for the payment of the indebtedness and for the purpose of assessing, levying, and collecting taxes.

Outstand-
ing debts

(Amended by Stats. 1939, Ch. 621.)

6903. From the time the district is dissolved, until its bonded indebtedness, with the interest, is paid, satisfied, and discharged, the governing body of the city, where the property of the district lies wholly within the limits of a city, and in all other cases the board of supervisors, is the ex officio board of the district.

Ex officio
board

6904. The ex officio boards shall levy such taxes and perform such other acts as are necessary for the payment of the indebtedness and the interest, and for such other costs and expenses incident to the assessing, levying and collection of such taxes.

Duties:
Taxation

(Amended by Stats. 1939, Ch. 621.)

6904.5. The governing body of any city acting as an ex officio board may enter into a contract pursuant to law with the county tax assessor to assess the property in the district, and with the county tax collector to collect the taxes thereon, and the money so collected shall at the usual times of settlement, be transmitted by the county tax collector to the treasurer of the city, and shall be used only for the purpose of paying, satisfying and discharging the outstanding bonds as far as possible, and the payment of the interest thereon, and the expenses of assessing and collecting the taxes.

Assessment
and collec-
tion of taxes
by county

(Added by Stats. 1939, Ch. 621.)

6904.6. If a city acquires the whole of the property of the district, or a part of the property, the city shall, at the expense of the city, maintain in proper condition such whole or part of the sewer system within the limits of the city.

Maintenance
of system
by city

(Added by Stats. 1939, Ch. 621.)

6905. The ex officio boards shall maintain the sewer system in proper condition and shall fulfill and compel fulfillment of all contracts made by the district for the right of connection made with property lying outside of the boundaries of the district.

Sewer
maintenance

Protection
of rights

6906. The ex officio boards shall maintain and protect all other rights acquired by the district.

Connections

6907. The ex officio boards shall not permit connection to be made with the system by any property outside of the boundaries of the district as they existed at the time of dissolution.

Where
county
acquires all
or part of
district

6907.5. If a county acquires the whole or any portion of the district, the board of supervisors shall likewise maintain the system acquired, and the expense thereof is a charge upon such area that lies without the limits of any city.

(Added by Stats. 1939, Ch. 621.)

CHAPTER 11. EXCLUSION OF PORTION OF DISTRICT

(Chapter 11 added by Stats. 1947, Ch. 453)

Exclusion of
portion of
district

6910. When a portion of a district has been included within a city by annexation, incorporation, or otherwise the portion so included may be excluded from the district in the manner hereinafter set forth in this chapter, when all of the following conditions exist.

(a) The district has no bonded indebtedness.

(b) There are no other obligations of the district which the portion to be excluded should justly share.

(c) The exclusion will not interfere with the operation of the sewerage system in the balance of the district.

(Added by Stats. 1947, Ch. 453; amended by Stats. 1954 (Ex. Sess.), Ch. 61.)

Petition

6911. A petition signed by the owners of at least 25 percent of the real property in the portion to be excluded shall be presented to the board of supervisors of the county in which the district is located. Said petition shall contain the following:

(a) A specific description of the area to be excluded.

(b) A statement of facts showing that the conditions set forth in Section 6910 exist.

(c) A description of the property owned by each signer.

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of at least 25 percent of the real property in the area described in the petition.

(Added by Stats. 1947, Ch. 453.)

Hearing

6912. Upon receipt of such a petition the board of supervisors shall set the same for hearing on a day not less than 20 days nor more than 35 days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once in a newspaper of general circulation published in the district if there is one, and if not, once in a newspaper of general circulation published in said county at least two weeks preceding the date of hearing.

(Added by Stats. 1947, Ch. 453.)

6913. At the time designated the board of supervisors shall hear the petition, and any person interested, and may adjourn the hearing from time to time. If the board of supervisors upon final hearing determines that the conditions set forth in Section 6910 do exist, it shall make an order excluding said portion, describing the same, from the district and, subject to Political Code Section 3720, said portion thereafter is no longer a portion of the district for any purpose except for collection of district taxes theretofore levied.

Order of
exclusion

(Added by Stats. 1947, Ch. 453.)

6914. Written notice of said proposed hearing shall be mailed by the county clerk to the secretary of the sanitary district. The sanitary board of said district shall report in writing to the board of supervisors as to the extent of such indebtedness and obligations and the effect of such exclusion on the operation of its sewerage system, and said board of supervisors may grant such exclusion after said sanitary board has consented thereto by resolution.

Notice of
hearing

(Added by Stats. 1947, Ch. 1375.)

6915. (a) If said territory shall be subject to any voted bonds or special assessments or assessment bonds issued or levied by the district or any annexed area thereof, for the cost of acquiring or constructing any sanitary sewerage facilities within or for said territory, said legislative bodies may, in said resolutions or agreement, provide that said territory shall be and remain subject to taxes and assessments therefor. In such event said territory shall not become subject to taxes by said city for the cost of similar facilities acquired or constructed by the city for other than said territory.

Tax exemp-
tion

(b) If any territory so indebted shall have assumed any indebtedness of the city for the cost of acquiring or constructing facility for other than said territory, then said legislative bodies shall provide, in said resolutions or agreement, that (1) said territory shall no longer be taxed by said city for said bonds of the city, or (2) that said territory shall no longer be taxed by said district for bonds of said district, or (3) said city shall agree to semiannually pay into the bond interest and redemption fund of said district an amount which would be levied and collected from said territory, in lieu of such tax or assessment within said territory.

Where in-
debtedness
assumed by
territory

(c) If said territory must continue to be serviced by facilities of the city, for the use or cost of which the district is required to pay the city any annual or other sum based on sewage flow or population growth of said district, the agreement therefor shall be so modified as to eliminate any inequality which may result from double taxation. This may be by either agreement on the boundaries of the area to be assessed or taxed therefor or by refund by the city to the district or both.

Double
taxation

(d) When the city and the district have finally agreed as to the conditions upon which said territory shall be withdrawn from said district, three executed copies of said resolutions or

Notice of
withdrawal
hearing

agreement shall be filed with the county clerk, who shall give notice of a hearing thereon not less than 10 nor more than 30 days prior to said hearing, by publishing a notice thereof pursuant to Section 6066 of the Government Code in said territory. Said notice shall describe the territory, and briefly describe the conditions agreed upon and give notice of the time and place of said hearing.

Resolution
ordering ex-
clusion

Redetermi-
nation

(e) After the board of supervisors has fully heard and considered said matter and all persons interested therein, and, if it shall find that said agreement is fair and equitable, it shall adopt a resolution ordering said exclusion. The conditions agreed upon shall be contained therein. If it shall find that said terms are not fair and equitable, it shall refer said matter to said legislative bodies who shall redetermine said matter as in the first instance and their determination shall again be heard by the board of supervisors as in the first instance.

Agreement

(f) Either the city or the district may request the other to agree upon the terms and conditions upon which said territory shall be withdrawn and excluded from said district. If the city and the district are unable to agree on such terms and conditions within three months thereafter, the city or district, whichever has requested such agreement, may bring an action in the superior court of the county in which said territory proposed to be excluded is situated against the other political corporation to have such terms and conditions determined.

Adjudication

In such action, the superior court shall determine and adjudicate the terms and conditions upon which said territory shall be withdrawn and excluded from said district, and upon the making of the final judgment in such action, said territory shall be ordered excluded from said sanitary district upon the terms and conditions of said judgment, and said order shall be final.

Filing of
resolution

(g) When said exclusions have been ordered, certified copies of said resolution, together with certified copies of the resolutions of the city and district, shall be filed by the county clerk in the records of said city and of said district, with the county assessor and county auditor and with the State Board of Equalization, and said territory shall be subject to taxation as therein provided from and after February 1st following the filing of same.

Maps and
descriptions

(h) The maps and descriptions accompanying the notice of exclusion required to be filed under Sections 54900 to 54903, inclusive, of the Government Code shall clearly show the boundaries of the several taxing areas resulting from the agreement.

(Added by Stats. 1949, Ch. 801; amended by Stats. 1953, Ch. 341, and by Stats. 1957, Ch. 357.)

Limitation

6916. No agreement, order or judgment shall be made under Section 6915 which shall relieve any territory of any bonded indebtedness of the district or of any annexed territory

thereof to such an extent as to cause the remaining outstanding bonded indebtedness of the district or of such annexed territory to be in excess of 15 percent of the total assessed valuation of all taxable property remaining within such district or within such annexed area so affected.

(Added by Stats. 1953, Ch. 1568.)

6917. This section provides an alternative procedure for the exclusion of any portion of territory within a district. Any portion of a district which is not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded from the district by order of the district board upon receipt of the verified petition of the owners in fee of land within that portion of the district, which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the portion of the district proposed to be excluded.

Alternative
procedure

(Added by Stats. 1954 (Ex. Sess.), Ch. 61; amended by Stats. 1957, Ch. 1491.)

6918. The petition shall designate specifically the boundaries of the territory proposed to be excluded and its assessed valuation and the assessed valuation of the real property owned by each petitioner as shown by the last equalized assessment roll and shall ask that the territory be excluded from the district.

Petition

(Added by Stats. 1957, Ch. 1491.)

6919. Notice of receipt of the petition shall be mailed to each property owner in the territory proposed to be excluded, as such property owners appear in the last equalized assessment roll.

Notice of
receipt

(Added by Stats. 1957, Ch. 1491.)

6920. Notice of the hearing on the petition shall be given in the manner prescribed in Section 6912.

Notice of
hearing

(Added by Stats. 1959, Ch. 187.)

6921. If upon the hearing, the district board determines that it is for the best interests of the district that all or any part of the portion of the district proposed to be excluded be excluded from the district or if it determines that all or part of such portion will not be benefited by continued inclusion in the district, the district board shall make its order describing the boundaries of the territory proposed to be excluded and shall present to the county board of supervisors a petition setting forth a description of the territory and the findings of the board and requesting the board of supervisors to exclude the territory from the district.

Hearing

Order

(Added by Stats. 1957, Ch. 1491.)

6922. The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order, alter the boundaries of the district and exclude from it the territory described in the petition of the board, and the territory shall then be excluded from the district.

Exclusion

(Added by Stats. 1957, Ch. 1491.)

Appeal

6923. In the event the district board should deny the petition for exclusion, the petitioners therefor may, within 90 days after the order of the district board denying exclusion, appeal such denial to the board of supervisors. The board of supervisors shall thereupon give notice in writing to the district board of receipt of such appeal and the date of a hearing thereon. At such hearing the board of supervisors shall determine if all or part of such portion sought to be excluded will not be benefited by continued inclusion in the district. If it shall so determine, the board of supervisors shall make its order describing the boundaries of the territory to be excluded and said territory shall then be excluded from the district.

(Added by Stats. 1957, Ch. 1491.)

Taxation of
excluded
portion

6924. Any portion of a district, which is excluded from the district shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for exclusion of the area, as fully as though that portion of the district had not been withdrawn.

(Added by Stats. 1957, Ch. 1491.)

PART 2. OTHER SANITARY DISTRICT ACTS

(Part 2 added by Stats. 1941, Ch. 990. See note at beginning of division)

CHAPTER 1. GENERAL

(Chapter 1 added by Stats. 1941, Ch. 990)

Saving clause

6935. No right or obligation accrued by the formation, organization, reorganization or operation of a sanitary district pursuant to the provisions of Chapter 161 of the Statutes of 1891 or the provisions of the Sanitary District Act of 1919 is affected by the repeal of those acts and any district so organized or reorganized may continue in existence and subject to the act under which it was organized or reorganized or may reorganize pursuant to this part.

(Added by Stats. 1941, Ch. 990.)

CHAPTER 2. USE OF COUNTY ASSESSOR'S ROLL

(Chapter 2 added by Stats. 1941, Ch. 990)

Assessment
roll

6940. Notwithstanding the provisions of Chapter 161 of the Statutes of 1891, or the provisions of the Sanitary District Act of 1919, as the provisions of these acts existed at the time of their repeal, the board of any sanitary district organized or reorganized under and continuing in existence and subject to these acts may elect to avail itself of the assessment roll of the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation.

(Added by Stats. 1941, Ch. 990.)

6940.3. The board shall declare its election by resolution and shall file a certified copy with the auditor and the assessor of the county on or before the first Monday in February of the year in which the district proposes to use the county assessment roll.

Thereafter, until the board by resolution elects otherwise all taxes shall be collected by the county assessor and tax collector of the county.

(Added by Stats. 1941, Ch. 990.)

6940.6. Following the board's election, the county auditor shall on or before the fourth Monday in August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year. **Statement**

(Added by Stats. 1941, Ch. 990.)

6940.9. Not later than the first day of September the district board shall fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold. **Fix rate**

(Added by Stats. 1941, Ch. 990.)

6941.3. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll. **Designate**

The district board shall immediately transmit to the auditor of the county in which the district is situated a statement of the tax rate fixed.

(Added by Stats. 1941, Ch. 990.)

6941.6. The auditor shall then compute and enter in a separate column in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll. **Computation**

The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

(Added by Stats. 1941, Ch. 990.)

6941.9. The taxes are a lien on all the property in the district, and the taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes. **Lien**

(Added by Stats. 1941, Ch. 990.)

DIVISION 7. DEAD BODIES

PART 1. GENERAL PROVISIONS

CHAPTER 1. DEFINITIONS

Definitions	7000. The definitions in this chapter apply to this division and to Divisions 8 and 9 of this code.
"Human remains" or "remains"	7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains.
"Cremated remains"	7002. "Cremated remains" means human remains after incineration in a crematory.
"Cemetery"	7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes: <ul style="list-style-type: none"> (a) A burial park, for earth interments. (b) A mausoleum, for crypt or vault interments. (c) A crematory, or a crematory and columbarium, for cinerary interments.
"Burial park"	7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.
"Mausoleum"	7005. Except in Part 5 of Division 8 of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.
"Crematory"	7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.
"Columbarium"	7007. Except in Part 5 of Division 8 of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.
"Crematory and columbarium"	7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.
"Interment"	7009. "Interment" means the disposition of human remains by cremation, inurnment, entombment, or burial. (Amended by Stats. 1939, Ch. 339.)
"Cremation"	7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault, or niche.
"Inurnment"	7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche.
"Entombment"	7012. "Entombment" means the placement of human remains in a crypt or vault.
"Burial"	7013. "Burial" means the placement of human remains in a grave. (Amended by Stats. 1939, Ch. 339.)
"Grave"	7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial.

7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains. "Crypt" or "vault"

7016. "Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains. "Niche"

7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains. "Temporary receiving vault"

7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property. "Cemetery authority"

(Amended by Stats. 1939, Ch. 339.)

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole. "Cemetery corporation," etc.

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property, including, but not limited to, any activity or business designed for the benefit, service, convenience, education, or spiritual uplift of property owners or persons visiting the cemetery. "Cemetery business," etc.

(Amended by Stats. 1955, Ch. 595.)

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association. "Directors," etc.

7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches. "Lot," etc.

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority. "Plot owner," etc.

(Amended by Stats. 1939, Ch. 339.)

7024. "Permit for Disposition of Human Remains" includes "burial permit" and is a permit, issued pursuant to law, for the interment, disinterment, removal, reinterment or transportation of human remains. "Permit for Disposition of Human Remains"

(Amended by Stats. 1957, Ch. 363.)

CHAPTER 2. GENERAL PROVISIONS

7050. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1957, Ch. 363. See second note at beginning of Division 9, commencing Section 10000.)

Unlawful
removal

7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or from malice or wantonness, is punishable by imprisonment in the State prison for not more than five years.

Unlawful
mutila-
tion, etc.

7052. Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment.

Attachment
for debt, etc.

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, or fails to release any human remains forthwith upon the delivery of authorization for such release signed by the next of kin or by any person entitled to the custody of such remains, is guilty of a misdemeanor.

(Amended by Stats. 1953, Ch. 1037.)

Unlawful
deposit or
disposition
of human
remains

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

(Amended by Stats. 1939, Ch. 339.)

Unlawful
interment

7055. Every person, who for himself or for another person, inters or incinerates a body or permits the same to be done, or removes any remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral directors' conveyance from that registration district to another registration district in the same or another county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred; or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), (b) for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(Amended by Stats. 1939, Ch. 541, and by Stats. 1941, Ch. 181.)

CHAPTER 3. CUSTODY, AND DUTY OF INTERMENT

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions. If such instructions are in a will or other written instrument, he may direct that the whole or any part of his remains be given to a teaching institution, university, college, legally licensed hospital, or to the State Director of Public Health, or to or for the use of any nonprofit blood bank, artery bank, eye bank, or other therapeutic service operated by any agency approved by the Director of Public Health under rules and regulations established by the director. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

(Amended by Stats. 1947, Ch. 125, and by Stats. 1957, Ch. 933.)

7101. When any decedent leaves an estate in this State, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial including reasonable sums for either, or both, general and special endowment care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral ex-

Duty and
cost of
interment

Prior
directions
of decedent

Construction

Liability of
funeral direc-
tor or ceme-
tery author-
ity

Liability
of estate

penses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

Burden of
proof on
rejected
claim

If a claim for an interment plot or memorial is rejected the burden of proving that the cost of the interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment.

(Amended by Stats. 1939, Ch. 339, and by Stats. 1951, Ch. 176.)

Custody of
remains

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found, shall, upon demand by the coroner, surrender such remains to him.

Failure
to inter:
Penalties

7103. Every person, upon whom the duty of interment is imposed by law, who omits to perform that duty within a reasonable time is guilty of a misdemeanor. In addition, he is liable to pay to the person performing the duty in his stead treble the expenses incurred by the latter in making the interment, to be recovered in a civil action.

Interment
by coroner

7104. When no provision is made by the decedent, or where the estate is insufficient to provide for interment and the duty of interment does not devolve upon any other person residing in the State or if such person can not after reasonable diligence be found within the State the person who has custody of such remains may require the coroner of the county where the decedent resided at time of death to take possession of such remains and he shall inter the same in the manner provided for the interment of indigent dead.

(Amended by Stats. 1939, Ch. 339.)

Compelling
interment:
Petition

7105. If the person vested with the duty of interment fails, refuses or neglects within a reasonable time after death of the decedent to make such interment, a cemetery authority having possession of the remains, or any relative of the decedent, may file a petition in the superior court in the county in which the decedent resided at the time of his death, or in which the remains are located, naming as defendant the person vested with the duty of interment and seeking an order of the court directing the defendant to make interment of the remains.

If no person residing in the State vested with the duty of making interment is known to the petitioner, or if such person after reasonable diligence can not be found within the State,

and that fact appears from the petition, the petitioner may make the coroner of the county in which the petition is filed the party defendant.

(Amended by Stats. 1939, Ch. 339.)

7106. A cemetery authority may seek an order providing for the interment of the remains of one or more decedents. Where a proceeding is commenced involving the remains of more than one decedent the allegations of the petition shall separately state the facts as to each, and the court may make a separate order as to each.

More than one decedent

7107. Notice of the time and place of the hearing on the petition shall be given as the court may direct. Upon the hearing the court shall make its order providing for the interment of the remains in such manner, at such time, and at such place as the court may determine to be just and proper, and for the best interests of the public health.

Notice of hearing

7108. If the coroner is directed to make such interment he shall make it in the manner provided by law for the interment of the indigent dead.

Duty of coroner

(Amended by Stats. 1939, Ch. 339.)

7109. The court shall allow costs and reasonable attorney's fees against all defendants, other than the coroner.

Costs and fees

7110. Any person signing any authorization for the interment of any remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose remains are sought to be interred, and his authority to order interment. He is personally liable for all damage occasioned by or resulting from breach of such warranty.

Warranty

7111. A cemetery authority may make an interment of any remains upon the receipt of a written authorization of a person representing himself to be any of the following:

Interment by cemetery authority

(a) The surviving spouse.

(b) A surviving child or parent.

(c) The next of kin.

(d) A person who has acquired the right to control the disposition of the remains.

A cemetery authority is not liable for cremating or making an interment pursuant to such authorization, unless it has actual notice that such representation is untrue.

7112. No action shall lie against any cemetery authority relating to the cremated remains of any person which have been left in its possession for a period of five years, unless a written contract has been entered into with the cemetery authority for their care or unless permanent interment has been made.

Action against cemetery authority

Nothing in this section shall be construed as an extension of the existing statute prescribing the period within which an action based upon a tort must be commenced. No licensed funeral director shall be liable in damages for any cremated human remains after the remains have been deposited with a cemetery in the State of California.

(Amended by Stats. 1939, Ch. 458.)

Permission
for autopsy

7113. A cemetery authority or licensed funeral director or a licensed hospital or its authorized personnel may permit or assist, and a physician may perform, an autopsy of any remains in its or his custody upon the receipt of a written authorization from a person representing himself to be any of the following:

(a) The surviving spouse; (b) a surviving child or parent; (c) a surviving brother or sister; (d) any other kin or person who has acquired the right to control the disposition of the remains; (e) a coroner or any other duly authorized public officer. A cemetery authority or a licensed funeral director or a licensed hospital or its authorized personnel is not liable for permitting or assisting, and a physician is not liable for performing, an autopsy pursuant to such authorization unless he or it has actual notice that such representation is untrue at the time the autopsy is performed.

(Added by Stats. 1947, Ch. 1293; amended by Stats. 1955, Ch. 1334.)

Unauthorized
autopsy

7114. Any person who performs, permits or assists at, an autopsy on a dead body without having first obtained (a) the authorization of the deceased in writing, including, but not limited to, the last will of the deceased; or (b) the authorization in writing of the person designated by Section 7100 of this code as having the right to control the disposition of the remains of the deceased; or (c) in the case of a cemetery authority or a licensed funeral director or a licensed hospital or its agents or a physician, the written authorization described in Section 7113 of this code, is guilty of a misdemeanor, except that this section shall not be applicable to the performance of an autopsy by the coroner or other officer authorized by law to perform autopsies.

(Added by Stats. 1949, Ch. 765; amended by Stats. 1955, Ch. 1334.)

Authorized
autopsy:
Removal
of structure
or organ

7115. The written authorization for any autopsy given pursuant to Section 7113 of this code may permit the person performing the autopsy to remove any structure or organ from the remains for therapeutic or scientific uses. Pursuant to any such written authorization, any structure or organ may be given to the Director of Public Health, or to any other therapeutic service operated by any agency approved by the Director of Public Health including, but not limited to, a teaching institution, university, college, legally licensed hospital, nonprofit blood bank, nonprofit artery bank, or a nonprofit eye bank. The person performing the autopsy shall not exceed the removal permission contained in such written authorization, and the remains shall not be mutilated nor shall any portion thereof be removed for purposes other than those herein expressly permitted.

Nothing in this section shall permit a coroner or other duly authorized public official to remove any structure or organ if the coroner or official has actual knowledge of a protest by

any member of the classes described in subdivisions (a) through (d) of Section 7113 prior to the time of such removal.

This section shall not apply to the remains of any deceased if, prior to the autopsy, it is made known to the coroner or other duly authorized public official that the deceased at the time of his death was a member of a religion, church, sect, or denomination which relies solely upon prayer for the healing of disease. Exception

(Added by Stats. 1957, Ch. 933.)

7116. A coroner or a physician performing an autopsy pursuant to authority granted under Sections 7113 and 7115 of this code, who in good faith and as so authorized removes any structure or organ from the remains for therapeutic or scientific uses, shall not be liable in any civil action arising out of his reliance on the terms of the written authorization to perform an autopsy. Liability

(Added by Stats. 1959, Ch. 697.)

CHAPTER 4. DISPOSAL OF UNCLAIMED DEAD

7200. Every head of a public institution, city or county undertaker, or State, county, or city officer having charge or control of remains to be interred at public expense, shall use due diligence to notify the relatives of the decedent. In the absence of any known relative of decedent desiring to direct the disposition of the remains in a manner other than in this chapter provided, and upon written request of the State department that such notices are required for a definite period specified in the request, such officer shall notify the State department by telegraph collect, immediately after the lapse of 24 hours after death, stating, whenever possible the name, age, sex, and cause of death of the decedent. Notice: To relatives
To state department

7201. The person in charge of a public institution in which the decedent was an inmate shall transmit upon request, to the state department or to any person designated by it, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any State or county official or prosecuting attorney. Medical history

7202. The unclaimed dead retained by the State department for scientific or educational purposes shall be embalmed and disposed of in accordance with the instructions of the State department. Such unclaimed dead shall be held for a period of 30 days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the decedent for purpose of interment or other disposition in accordance with the directions of such relative. When retained by state department

7203. The bodies of the unclaimed dead retained by the State department shall be used solely for the purpose of instruction and study in the promotion of medical, chiropractic, and embalming education and science within the State. Use

- Expense** 7204. All persons receiving unclaimed dead for educational purposes shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality, and race, if possible, together with the place of last residence of the decedent and the source and disposition, with dates, of the body.
- Record**
- Post mortem examinations** 7205. It is unlawful for any person, unless specifically authorized by law, to hold a post mortem examination of any unclaimed dead without the express permission of the State department.
- Permission to use material** 7206. Any person authorized by law to perform post mortem examinations shall permit, with the consent of relatives, or in the absence of such relatives, with the consent of the State department, any representative of the anatomical or pathological departments of an incorporated medical, chiropractic, or osteopathic school or college to obtain at the time of the necropsy, such material in a recent state as may be needed for scientific purposes, if the material is not required for the legal purposes of the State.
- Body unfit for scientific purposes** 7207. Whenever, through the failure of any person to notify the State department, or promptly to deliver the body of a deceased indigent as required by the State department, such body becomes unfit for scientific or educational purposes, the State department shall so certify and the remains shall be interred at the expense of those guilty of such noncompliance.
- Penalty** 7208. Every person who unlawfully disposes, uses, or sells the body of an unclaimed dead person, or who violates any provision of this chapter is guilty of a misdemeanor.

CHAPTER 5. EMBALMING AND TRANSPORTATION

Article 1. Embalming

- When permission required: Unknown cause of death** 7300. No person shall embalm the body of any person who has died from an unknown cause, except with the permission of the coroner.
(Amended by Stats. 1939, Ch. 126, and by Stats. 1951, Ch. 560.)
- Crime in connection with death** 7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner, or a justice of the peace, if there is no coroner, has been obtained.
- Report of contagious case** 7302. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.
7303. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)

Article 2. Transportation

7350. (Amended by Stats. 1941, Ch. 181; repealed by Stats. 1953, Ch. 1037.)

7351. (Repealed by Stats. 1953, Ch. 1037.)
 7352. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)
 7353. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)
 7354. (Amended by Stats. 1939, Ch. 126; repealed by Stats. 1953, Ch. 1037.)

7355. The bodies of persons who have died from any cause shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer and placed in a sound casket and enclosed in a transportation case.

Prohibition
when body
not prepared
by licensed
embalmer

(Amended by Stats. 1939, Ch. 126, by Stats. 1941, Ch. 181, and by Stats. 1953, Ch. 1037.)

Chapter 6. (Chapter heading repealed by Stats. 1955, Ch. 94)

7400. (Repealed by Stats. 1955, Ch. 94.)
 7401. (Amended and renumbered 10476 by Stats. 1955, Ch. 94.)
 7402. (Amended by Stats. 1941, Ch. 181; amended and renumbered 10480 by Stats. 1955, Ch. 94.)
 7403. (Repealed by Stats. 1939, Ch. 101.)
 7404. (Amended by Stats. 1939, Ch. 101; repealed by Stats. 1955, Ch. 94.)
 7405. (Amended by Stats. 1945, Ch. 1057, and by Stats. 1951, Ch. 117; amended and renumbered 10479 by Stats. 1955, Ch. 94.)
 7406. (Amended by Stats. 1941, Ch. 181, and by Stats. 1949, Ch. 268; amended and renumbered 10474 by Stats. 1955, Ch. 94.)
 7407. (Amended by Stats. 1941, Ch. 181; amended and renumbered 10481 by Stats. 1955, Ch. 94.)
 7408. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1941, Ch. 181.)
 7409. (Repealed by Stats. 1941, Ch. 181.)
 7410. (Repealed by Stats. 1955, Ch. 94.)
 7411. (Amended and renumbered 10478 by Stats. 1955, Ch. 94.)
 7412. (Added by Stats. 1939, Ch. 642; amended and renumbered 10482 by Stats. 1955, Ch. 94.)
 7413. (Added by Stats. 1945, Ch. 1057; repealed by Stats. 1951, Ch. 117.)

PART 2. DISINTERMENT AND REMOVAL

CHAPTER 1. GENERAL PROVISIONS

Article 1. Permits

7500. No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of

Order

Records

the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

(a) The date such remains were removed.

(b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.

(c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record.

Removal
permit

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy.

(Amended by Stats. 1941, Ch. 181, and by Stats. 1955, Ch. 94.)

Exception

7502. In the disinterment, transportation and removal of human remains under Chapter 4 of this part a cemetery authority need not obtain a separate permit for the disinterment, transportation or removal of the remains of each person, but disinterment, transportation and removal of human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of the city or city and county in which the cemetery lands are situated.

Article 2. Consent to Removal

Who must
give

7525. The remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of one of the following in the order named:

(a) The surviving spouse.

(b) The surviving children.

(c) The surviving parents.

(d) The surviving brothers or sisters.

Court per-
mission

7526. If the required consent can not be obtained, permission by the superior court of the county where the cemetery is situated is sufficient.

7527. Notice of application to the court for such permis- **Notice**
 sion shall be given, at least 10 days prior thereto, personally,
 or at least 15 days prior thereto if by mail, to the cemetery
 authority and to the persons not consenting, and to every
 other person or association on whom service of notice may be
 required by the court.

7528. This article does not apply to or prohibit the removal **Exemptions**
 of any remains from one plot to another in the same ceme-
 tery or the removal of remains by a cemetery authority from
 a plot for which the purchase price is past due and unpaid,
 to some other suitable place; nor does it apply to the disin-
 terment of remains upon order of court or coroner.

CHAPTER 2. REMOVALS TO OUT-OF-STATE POINTS

7550. (Repealed by Stats. 1941, Ch. 181.)

7551. (Repealed by Stats. 1941, Ch. 181.)

7552. (Repealed by Stats. 1941, Ch. 181.)

7553. (Repealed by Stats. 1941, Ch. 181.)

7554. (Repealed by Stats. 1941, Ch. 181.)

7555. (Repealed by Stats. 1941, Ch. 181.)

7556. (Repealed by Stats. 1941, Ch. 181.)

7557. (Repealed by Stats. 1941, Ch. 181.)

7558. (Repealed by Stats. 1941, Ch. 181.)

7559. (Repealed by Stats. 1941, Ch. 181.)

CHAPTER 3. REMOVAL OF ALL REMAINS: CITIES OF 1,500-100,000

7600. The governing body of any city having a population **Local pro-**
 of more than 1,500 and not exceeding 100,000, may, by ordi- **vision for**
 nance, and under such rules and regulations as it may adopt, **removal**
 provide for the disintering and removal of all human remains
 from cemeteries in which no interments have been made for
 a period of two years, which are within the city, or owned
 and controlled by the city and located without its boundaries.

CHAPTER 4. REMOVAL OF ALL REMAINS: CITIES AND CITIES AND COUNTIES OVER 100,000

Article 1. Power of Municipality

7700. The governing body of any city or city and county, **Order for**
 having a population of more than 100,000 persons, may order **removal**
 the disinterment and removal of all human remains interred
 in all or any part of any cemetery of more than five acres
 in extent situated within its limits, where the right of inter-
 ment in the cemetery has been prohibited by law for a period
 of 15 years or more, whenever the governing body, by ordi- **Ordinance:**
 nance, declares that the further maintenance of all or any part **Declaration**
 of the cemetery as a burial place for the human dead threatens

or endangers the health, safety, comfort or welfare of the public and demands the disinterment and removal beyond the limits of the city, or city and county, of the human remains interred therein.

Rules and regulations

7701. The governing body of such city or city and county may in any ordinance ordering or directing the disinterment and removal of such remains prescribe reasonable rules and regulations governing the manner of making disinterments and removals and providing for reinterment in cemeteries outside the city or city and county limits.

Time for removal by relatives, etc.

The ordinance shall prescribe a reasonable time of not less than two years in which the removal of remains may be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city or city and county will itself proceed to remove the remains and reinter them in another cemetery or cemeteries outside the city or city and county limits.

Article 2. Declaration of Intention by Cemetery Authority

Declaration

7725. The cemetery authority of any cemetery from which human remains are ordered removed by an ordinance adopted in accordance with this chapter, may declare its intention and purpose to disinter and remove the remains in accordance with the ordinance, and to reinter the remains in another cemetery or cemeteries outside the limits of the city or city and county, or to deposit the removed remains in a memorial mausoleum or columbarium.

In the case of a cemetery corporation or association the procedure for such declaration shall be by resolution of the governing body of the corporation or association, ratified and approved by a majority vote of the lot owners or holders at any regular meeting of the corporation or association, or at a meeting specially called for the purpose.

Contents

7726. Any resolution or declaration of intention to disinter and remove human remains pursuant to this chapter adopted or declared by any cemetery authority shall specify and declare that at any time after the expiration of 10 months from and after the first publication of the notice of the resolution or declaration, the human remains then remaining in all or any part of the cemetery will be removed by the cemetery authority.

Article 3. Notice of Intention

7735. Notice of a declaration of intention to remove the human remains from all or any part of any cemetery shall be given by publication in a newspaper of general circulation published in the city, or city and county, in which the cemetery or the portion from which removals are to be made is situated. Publication shall be at least once a week for two successive months. Publication

7736. The notice shall be entitled "Notice of Declaration of Intention to Remove Human Remains from ----- (insert name of cemetery) in accordance with the provisions of Ordinance No. ---- (insert number) of the ----- (insert name of city, or city and county) adopted ----- (insert date)" and shall specify a date not less than 10 months after the first publication when the cemetery authority causing the notice to be published will proceed to remove the remains then remaining in such cemetery or the portion from which removals are to be made. Heading and contents

7737. Copies of the notice shall within 10 days after the first publication be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made. Posting

7738. A copy of the notice shall be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery. The notice shall be addressed to the last known post-office address of the plot owner as it appears from the records of the cemetery, and if his address does not appear or is not known, then to him at the city, or city and county, in which the cemetery land is situated. Mailing

7739. The notice shall also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his address is known. Same

Article 4. Special Notice to Relative or Friend

7750. At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that he desires to be present when the remains are disinterred or are reinterred. Notice to cemetery authority

7751. The notice to the cemetery authority shall specify: Contents
(a) The name of the person whose remains are to be disinterred.

(b) As accurately as possible, the plot where the remains are interred.

(c) The date of interment.

(d) An address at which the required notices may be given by the cemetery authority.

Delivery

7752. The notice may be delivered, or forwarded by registered mail, to the office or principal place of business of the cemetery authority proposing to make removals.

Notice by cemetery authority

7753. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred and of the time when and the place where they will be reinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least 10 days prior to the date specified for the disinterment of the remains.

Same

7754. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in this article.

Article 5. Removals by Relatives or Friends

Permissson

7800. At any time prior to the removal by a cemetery authority of the remains of any person, any relative or friend of the decedent may voluntarily remove and dispose of the remains.

Affidavit

7801. The person desiring to cause the removal shall, prior to removal, deliver to the cemetery authority an affidavit stating the name of the decedent whose remains it is desired to remove and, so far as is known to affiant, the date of burial and the names and places of residence of the heirs at law of the decedent. If the person desiring to cause the removal is not an heir at law of the person whose remains he desires to remove, the removal shall not be made by him until he has delivered to the cemetery authority the written consent of a majority of the known heirs at law of the decedent who are residents of this State. The statements in the affidavit are sufficient evidence of the number, names, and residences of the heirs at law for all of the purposes of this article, and the written consent of the majority of the heirs at law named in the affidavit is sufficient authority for the cemetery authority to permit the removal of the remains.

Consent of heirs**Removal without filing affidavit**

7802. Removal of all remains in a plot without the filing of an affidavit of consent may be caused by any of the following:

(a) The purchaser or owner of the plot.

(b) The purchaser or owner of the right of interment in the plot.

(c) Any one of joint purchasers or owners of the plot or of the right of interment in the plot.

Removal by heir of plot grantee

7803. If the right, title or interest of any grantee of any plot or of the right of interment therein has passed by succession to the heir or heirs at law of the grantee without distribution by order of court, the heir or heirs at law may remove the remains of persons interred in the plot. The affidavit of any heir at law setting out the facts of heirship

Affidavit

shall be accepted by the cemetery authority as sufficient evidence of the fact of the transfer.

7804. Whenever remains are removed by a relative or friend of a decedent, under the provisions of this chapter, the person causing the removal is entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the interment space from which the remains have been removed. The affidavit or written consent given under the provisions of this chapter are sufficient authority for the cemetery authority to permit the removal of any such appurtenance.

Removal of vaults, headstones, etc.: By friend or relative

7805. If such appurtenances remain on the plot for more than 90 days after the removal of the last human remains, they may be removed and disposed of by the cemetery authority, and thereafter no person claiming any interest in the plot, or any such appurtenance shall maintain in any court any action in relation to any such appurtenance.

By cemetery authority

Article 6. Removal by Cemetery Authority

7850. After the completion of notice, and after the expiration of the period of 10 months specified in the notice, any cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this State where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

Removal and reinterment

7851. Whenever any remains are removed from any cemetery or portion of a cemetery pursuant to this chapter by a cemetery authority, they shall be transported to and reinterred in a cemetery in an adjoining county where interments by the cemetery authority are permitted.

Reinterment in adjoining county

7852. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under rules and regulations adopted by the cemetery authority making the removal.

Placement in receptacles, etc.

Article 7. Disposal of Lands

7900. Whenever human remains have been ordered removed under this chapter, and the cemetery authority has made and published notice of intention to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged, or otherwise encumbered as security for any loan or loans made to the cemetery authority.

Authority to dispose

7901. No order of any court shall be required prior to the making of any such sale, mortgage, or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing

Sales: Conduct and confirmation

body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county in which the lands are situated.

Pettition for
confirmation

7902. Petitions for confirmation of sales shall be made to the superior court of the county or city and county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing in accordance with the provisions of Section 1200 of the Probate Code.

Same

7903. If prior to the adoption of an ordinance pursuant to this chapter any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the superior court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Written
declaration:
Recording

7904. After the removal of all human remains interred in any part or the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county or city and county in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration.

The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage, or other conveyance of any part of such lands is conclusive evidence in favor of any grantee or mortgagee named in it, and his successor or assigns, of the fact of the complete removal of all human remains therefrom.

Reservation
of lands

7905. With the approval of the governing body of the city or city and county in which the cemetery lands are situated, sufficient lands may be reserved from any cemetery lands from which the human remains have been removed to erect a mausoleum or columbarium for the reinterment of disinterred remains, to provide sufficient grounds around it, and to preserve such historical vaults or monuments as the cemetery authority may determine to be proper or necessary.

Removal of
dedication by
court order

7906. After all remains have been removed from a cemetery in accordance with Chapters 3 and 4, Part 2, Division 7 of this code, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That all bodies have been removed, or that no interments were made; and

(b) That the property is no longer used or required for interment purposes.

(Added by Stats. 1939, Ch. 1032.)

Article 8. Use of Funds

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to garnishment, attachment or execution, but shall be used exclusively for any or all of the following purposes:

Sales
proceeds

(a) Acquisition of lands and improvements for cemetery purposes.

(b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.

(c) Endowment care of graves, markers, and cemetery embellishments.

(d) The payment of expenses incidental to the disinterment, removal, and reinterment.

(e) Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

(Amended by Stats. 1939, Ch. 1071, and by Stats. 1951, Ch. 176.)

7926. Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this chapter, it may employ any money in its treasury to defray the expense of removal, including:

Use of
money in
treasury:
Expense of
removal

(a) The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.

(b) The expenses of disinterment, transportation and reinterment.

(c) The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.

(d) All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.

(e) All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.

(f) All expenses incident to any of the above purposes.

7927. From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery corporation or association shall set aside an adequate endowment care fund for the maintenance and care of the cemetery in which the remains have been interred.

Care and
maintenance

(Amended by Stats. 1951, Ch. 176.)

7928. After making provisions for an endowment care fund to provide for maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the

Reimburse-
ment

cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it.

(Amended by Stats. 1951, Ch. 176.)

Balance

7929. Any balance remaining in the fund may be used for such other purposes as the cemetery corporation or association may lawfully declare.

**Unexpended
treasury
funds**

7930. Whenever any cemetery corporation or association having a governing body has caused the removal of remains from all or any portion of its cemetery and has funds in its treasury which are not required for other purposes, it may set aside, invest, use, and apply from such unexpended funds such sum as, in the judgment of the governing body, it is necessary or expedient to provide for the perpetual or other care or improvement of any cemetery in which the disinterred remains may be reinterred.

Transfer

7931. In lieu of itself investing, using or applying the funds for care or improvement, the cemetery corporation or association may transfer the funds to any other corporation under such conditions and regulations as in the judgment of the governing body will insure their application to the purposes of care or improvement.

Court order

7932. Before any such transfer of funds is made, the cemetery corporation or association shall obtain an order authorizing the transfer from the superior court of the county where the cemetery or portion from which the remains were removed is situated.

Petition

7933. The order shall be obtained upon petition of the cemetery corporation or association, after such notice by publication as the court may direct, and any member or former plot owner may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof shall be made to the satisfaction of the court that notice has been given and that it is for the best interests of the cemetery corporation or association that the transfer be made.

Proof

Article 9. New Land, Mausoleum or Columbarium

**New lands:
Survey, etc.**

7950. Whenever any cemetery authority owning or controlling cemetery lands from which remains are to be removed has acquired the possession or use of any cemetery for the purpose of providing a place for the reinterment of human remains removed under this chapter, new lands may be surveyed and subdivided into plots, avenues, and walks for cemetery purposes; and any mausoleum and columbarium may be divided into crypts or niches.

**Sale of
plots, etc.**

7951. Plots, crypts, or niches may be sold to persons desiring to make reinterments.

Releases

7952. The governing body of any cemetery corporation or association may receive and accept as part or full consideration for the purchase price of new plots full or partial releases

of rights in or to the whole or any part of the assets of the corporation or association other than the plot conveyed to the purchaser. Any retransfer to the cemetery corporation or association of any plot in the cemetery from which the removal of the human remains is to be made operates as such release.

7953. After the removal and reinterment of remains disinterred from any cemetery the cemetery authority shall cause to be erected upon or imbedded in any plot in which any remains are reinterred a suitable permanent marker identifying the remains.

Identifying
marker

7954. The cemetery authority shall prepare a complete map or plat describing and showing the location and subdivision into plots of the cemetery lands where remains are reinterred, or a plan of any mausoleum or columbarium in which such remains are interred; and there shall be attached to each plan a description of the name, where known, of each person whose remains are reinterred, and the plot in the cemetery, or the niche or compartment in the mausoleum or columbarium where such remains are reinterred.

Maps,
plans, etc.

7955. The map or plan shall be kept on file in the office of the cemetery authority and shall at all times be open to inspection by the relatives or friends of deceased persons whose remains are reinterred therein.

Public
inspection

Article 10. Taxation

7975. When any law or ordinance requires that the remains interred in any cemetery be removed and reinterred elsewhere, no county, town or political subdivision in which the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment.

Taxation

Article 11. Religious Observances

7980. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

Religious
observances

The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

Article 12. Removal by Counties

(Article 12 added by Stats. 1947, Ch. 586)

Abandonment of cemetery

8000. If it appears to the board of supervisors of any county owning a county cemetery that:

(a) The cemetery was actively used for the interment of deceased persons for 20 years or less, and no interment has been made therein for over 20 years, and

(b) The cemetery is located on a portion of the site of an existing county institution maintained for the relief of the indigent, sick and afflicted, and

(c) Adequate facilities are otherwise provided for by the county for the burial of the indigent dead; the board may, by following the procedure contained in this article, order the disinterment and removal of all human remains interred in such cemetery.

(Added by Stats. 1947, Ch. 586.)

Resolution

8001. Any resolution or declaration for abandonment adopted and made under the provisions of this article shall specify and declare that at any time after the expiration of 60 days after the first publication of the notice of declaration of intended abandonment and removal, the human remains then remaining in the cemetery will be removed by the county owning the cemetery. Notice of the declaration of intended abandonment of the cemetery and proposed removal of the human remains interred therein shall be given to all persons interested therein by publication in the newspaper of general circulation published in the county determined by the board of supervisors most likely to give notice to the parties concerned. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove Human Bodies Interred Therein," and shall specify a date not less than 60 days after the first publication of the notice when the county controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery. Notice shall also be mailed to any known living heir-at-law of any person whose remains are interred in the cemetery when the address of the heir is known.

Notice of abandonment

(Added by Stats. 1947, Ch. 586.)

Removal of remains by relative, etc.

8002. At any time before the date fixed for the removal of the remains by the county owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery may voluntarily remove the remains and reinter the same as he may desire.

(Added by Stats. 1947, Ch. 586.)

Removal by county

8003. After the publication and mailing of the notice mentioned in Section 8001 of this code and after the expiration of the 60 days specified in the notice, the county shall have the power to cause the removal of all human remains interred in the cemetery about to be abandoned and to cause the reinterment in other cemeteries of the county in which burials are per-

mitted, without further notice to any persons claiming an interest in the remains therein interred.

(Added by Stats. 1947, Ch. 586.)

8004. Whenever the remains of any person shall be removed Reinterment
from any abandoned cemetery by the county owning such abandoned cemetery, such remains shall be transported and reinterred in a separate and suitable receptacle. After the removal and reinterment of human bodies disinterred from an abandoned cemetery, the county owning or controlling the abandoned cemetery lands shall cause to be erected upon or imbedded in any lot or plot wherein such body is reinterred a suitable permanent marker identifying the remains with as Permanent marker
much particularity as is available to such county and shall prepare a complete record of the name of each person, where known, and the lot or plot where the body is reinterred and such record shall be kept in the office of the board of supervisors of the county making such removals and reinterments and shall at all times be open to the relatives and friends of those so reinterred.

(Added by Stats. 1947, Ch. 586.)

8005. After the removal of all human remains the prop- Use of prop-
erty after
removal
erty may be used, managed and controlled by the board of supervisors as other county property.

(Added by Stats. 1947, Ch. 586.)

DIVISION 8. CEMETERIES

PART 1. GENERAL PROVISIONS

CHAPTER 1. CEMETERY DEFINED

8100. Six or more human bodies being buried at one place Cemetery
defined
constitute the place a cemetery.

CHAPTER 2. VANDALISM

8101. Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not exceeding six months, or by both, who unlawfully or without right wilfully does any of the following: Criminal
offenses

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: Any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(b) Obliterates any grave, vault, niche, or crypt.

(c) Destroys, cuts, breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.

(d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery

or funeral establishment, or engaged in a funeral service, or an interment.

(Amended by Stats. 1939, Ch. 339.)

Civil penalty 8102. Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed.

Exemptions 8103. The provisions of this chapter do not apply to the removal or unavoidable breakage or injury, by a cemetery authority, of any thing placed in or upon any portion of its cemetery in violation of any of the rules or regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority which has become in a wrecked, unsightly, or dilapidated condition.

CHAPTER 3. RECORDS

Keeping and contents 8110. The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral director.

Inspection 8111. The records shall at all times be open to official inspection.

8112. (Repealed by Stats. 1957, Ch. 363. See second note at beginning of Division 9 commencing Section 10000.)

PART 2. PUBLIC CEMETERIES

CHAPTER 1. GENERAL PROVISIONS

Acquisition of cemetery: Public lands 8125. Incorporated cities, and for unincorporated towns the supervisors of the county, may survey, lay out, and dedicate for burial purposes not exceeding five acres of public lands situated in or near the city or town. The survey, description, and a certified copy of the order made constituting the land a cemetery shall be recorded in the recorder's office of the county in which it is located.

(Amended by Stats. 1939, Ch. 339.)

By public user 8126. The title to lands situated in or near any city and used by the inhabitants without interruption as a cemetery for five years is vested in the inhabitants of the city and the lands shall not be used except as a public cemetery.

(Amended by Stats. 1939, Ch. 339.)

By purchase, etc. 8127. The inhabitants of any city may by subscription or otherwise purchase or receive by gift or donation, lands not exceeding five acres to be used as a cemetery, the title to be vested in the inhabitants, which lands when once dedicated to

use for burial purposes, shall not thereafter be used for any other purpose.

(Amended by Stats. 1939, Ch. 339.)

8128. The governing body having control of a public cemetery shall require a register of name, age, birthplace, date of death, and burial of every body interred therein, to be kept by the sexton or other officer. The register shall be open to public inspection. Register

8129. The public cemeteries of cities, towns, or neighborhoods or of fraternal or beneficial associations or societies shall be inclosed and laid off into plots. Plots, etc.

8130. The general management, conduct, and regulation of burials, the disposition of plots, and keeping the plots in order, are under the jurisdiction and control of the city owning the cemetery. Management:
When owned by city

(Amended by Stats. 1939, Ch. 339.)

8131. If not owned by a city or by a fraternal or beneficial association or society, public cemeteries are under the jurisdiction and control of the board of supervisors of the county in which they are situated. When not owned by city, etc.

8132. Public cemeteries of fraternal or beneficial associations or societies are under the jurisdiction of and controlled and managed by the associations or societies or by trustees appointed by them. When owned by fraternal society, etc.

8133. The authorities having jurisdiction and control of cemeteries may make and enforce general rules and regulations, and appoint sextons or other officers to enforce obedience to the rules and regulations, with such powers and duties regarding the cemetery as may be necessary. Rules and regulations

8134. No streets, alleys, or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or county where burials in the cemetery have been had within five years prior thereto, without the consent of the person owning and controlling the cemetery. Streets and roads

(Added by Stats. 1953, Ch. 83, as part of codification.)

PART 3. PRIVATE CEMETERIES

CHAPTER 1. GENERAL PROVISIONS

8250. Except as provided in subdivision (c) of this section, the provisions of this part do not apply to any of the following: Scope of part

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, heretofore established; provided, however,

that the provisions of Chapter 6 (commencing at Section 8800) and Chapter 7 (commencing at Section 8825) of this part are applicable thereto.

(Amended by Stats. 1939, Ch. 339, and by Stats. 1959, Ch. 770.)

Public
cemetery

8250.5. As used in Section 8250 of this code, a public cemetery is a cemetery owned and operated by a city, county, city and county, or public cemetery district.

(Added by Stats. 1953, Ch. 386.)

Same

8251. The provisions of this part do not affect the corporate existence of any cemetery organized under any law then existing prior to August 14, 1931, and as to such cemeteries, and their rights, the laws under which the corporation was organized and existed and under which such rights became vested are applicable.

Cemetery
corporation

8252. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this State except by means of a corporation duly organized for such purposes.

(Amended by Stats. 1953, Ch. 1161.)

Effect on
powers, etc.

8253. The powers, privileges, duties and restrictions conferred and imposed upon any corporation, firm, copartnership, association, trust or individual, existing and doing business under the laws of this State, are hereby enlarged or modified as each particular case may require to conform to the provisions of this part notwithstanding anything to the contrary in their respective articles of incorporation, charter or other evidence of organization.

CHAPTER 2. OPERATION AND MANAGEMENT

Article 1. General Provisions

Who may
operate

8275. Any private corporation authorized by its articles so to do, may establish, maintain, manage, improve, or operate a cemetery, and conduct any or all of the business of a cemetery, either for or without profit to its members or stockholders.

Article 2. Rules and Regulations

Rules and
regulations

8300. A cemetery authority may make, adopt, amend, add to, revise, or modify, and enforce rules and regulations for the use, care, control, management, restriction and protection of all or any part of its cemetery and for the other purposes specified in this article.

Use of
property

8301. It may restrict and limit the use of all property within its cemetery.

Structures:
Uniformity,
etc.

8302. It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions.

Erection

8303. It may prohibit the erection of monuments, markers, or other structures in or upon any portion of the cemetery.

8304. It may regulate or prohibit monuments, effigies, and structures within any portion of the cemetery and provide for their removal. Removal

8305. It may regulate or prevent the introduction or care of plants or shrubs within the cemetery. Plants

8306. It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment plots for purposes violative of its restrictions or rules and regulations. Interment

8307. It may regulate the conduct of persons and prevent improper assemblages in the cemetery. Conduct of persons

8308. It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any plot or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted. Other purposes

(Amended by Stats. 1939, Ch. 339.)

8309. The rules and regulations shall be plainly printed or typewritten and maintained subject to inspection in the office of the cemetery authority or in such place or places within the cemetery as the cemetery authority may prescribe. Printing and inspection of rules

Article 3. Police Power

8325. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the authority of a peace officer for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the State, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property. Police power

(Amended by Stats. 1939, Ch. 339.)

Article 4. Records

8330. A record shall be kept of every interment showing the date the human remains were received, the date of interment, the name and age of the person interred, when these particulars can be conveniently obtained, and the plot in which interment was made. Record of interments

8331. A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. No transfer of any plot, heretofore or hereafter made, or any right of interment, shall be complete or effective until recorded on the books of the cemetery authority. Record of ownership

(Added by Stats. 1939, Ch. 339.)

Article 5. Operation of Crematories

8340. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any busi- Required facilities

ness unless there is in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same cemetery, either:

A columbarium, a burial park or mausoleum amply equipped at all times for the interment of remains of bodies cremated at the crematory.

(Amended by Stats. 1939, Ch. 339.)

Interment

8341. All cremated remains not removed for interment elsewhere shall be interred in a plot within a reasonable time after cremation.

Article 6. Contract Limitations

General powers

8350. Unless otherwise limited by the law under which created, cemetery authorities shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of general law as may be required, and may secure them by mortgage, deed of trust, or otherwise upon their property.

Subordination of liens

8351. All mortgages, deeds of trust, and other liens of any nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of the lien, dedicated as a cemetery pursuant to this part, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed, or lien, dedicated to cemetery purposes pursuant to this part, shall not affect or defeat the dedication, but the mortgage, deed of trust or other lien is subject and subordinate to such dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for cemetery purposes.

Article 7. Restrictions on Officers

Borrowing funds, etc.

8360. No director or officer of any cemetery authority shall directly or indirectly, for himself or as the partner or agent of others, borrow any funds of the corporation or association, nor may he become an indorser or surety for loans to others, nor in any manner be an obligor for money borrowed of or loaned by the corporation or association, nor shall a corporation of which a director or an officer is a stockholder, or in which either of them is in any manner interested, borrow any of the funds of the corporation or association.

Loss of office

8361. The office of any director or officer who acts or permits action contrary to this article immediately thereupon becomes vacant.

Criminal penalty

8362. Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of this article are severally guilty of a misdemeanor.

CHAPTER 3. ACQUISITION, DEDICATION AND SALE

Article 1. Acquisition of Property

8500. Cemetery authorities may take by purchase, donation or devise, property consisting of lands, mausoleums, crematories, and columbariums, or other property within which the interment of the dead may be authorized by law. Acquisition of property

Article 2. Declaration of Intention

8525. A cemetery authority may execute a declaration acknowledged so as to entitle it to be recorded, describing the property and declaring its intention to use all or part of the property for cemetery purposes. Execution

8526. The declaration may be filed for record in the office of the recorder of the county in which the property is situated, and from the date of filing the declaration is constructive notice of the use for which the property is intended. Recording

Article 3. Dedication

8550. Every cemetery authority, from time to time as its property may be required for interment purposes, shall: Survey and map

(a) In case of land, survey and subdivide it into sections, blocks, plots, avenues, walks or other subdivisions; make a good and substantial map or plat showing the sections, plots, avenues, walks or other subdivisions, with descriptive names or numbers.

(b) In case of a mausoleum, or crematory and columbarium it shall make a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

(c) The maps or plats shall be clearly and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record on opaque linen or tracing cloth. The size of each sheet shall be 18 by 26 inches. A one (1) inch blank margin shall be left at the left edge and a one-half ($\frac{1}{2}$) inch margin shall be left at the other edges of the sheet.

(Amended by Stats. 1957, Ch. 1865.)

8551. The cemetery authority shall file the map or plat in the office of the recorder of the county in which all or a portion of the property is situated. The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes. Filing: Map
Declaration of dedication

8552. The declaration shall be in such form as the cemetery authority may prescribe, and shall be subscribed by the president or vice president, and the secretary, or other persons whom the cemetery authority may authorize, and shall be acknowledged so as to entitle it to be recorded. Form and execution of declaration

8553. Upon the filing of the map or plat and the filing of the declaration for record, the dedication is complete for all When dedication complete

purposes and thereafter the property shall be held, occupied, and used exclusively for a cemetery and for cemetery purposes.

Resurvey

8554. When reservation is made in the declaration of dedication, any part or subdivision of the property so mapped and platted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat filed, so long as such change does not disturb the interred remains of any deceased person.

Constructive notice

8555. The filed map or plat and the recorded declaration are constructive notice to all persons of the dedication of the property to cemetery purposes.

Map: Indexing

8556. The county recorder of the county in which a map or plat is filed shall index the map or plat in the general index giving reference to date of filing and number or to book and page so that it may easily be found. The recorder may bind the maps or plats in special books or in his books of maps of subdivisions. The fee for filing and indexing said map or plat shall be the same as provided for subdivided land under Section 27372 of the Government Code.

(Amended by Stats. 1957, Ch. 1865.)

Declaration of dedication: Recording and indexing

8557. The county recorder of the county in which a declaration of dedication is filed shall record it in the official records of his office and index it in the general index.

(Amended by Stats. 1957, Ch. 954. In effect June 8, 1957.)

Effect of dissolution, etc.

8558. After property is dedicated to cemetery purposes pursuant to this chapter, neither the dedication, nor the title of a plot owner, shall be affected by the dissolution of the cemetery authority, by nonuser on its part, by alienation of the property, by any incumbrances, by sale under execution, or otherwise except as provided in this chapter.

Laws against perpetuities

8559. Dedication to cemetery purposes pursuant to this chapter is not invalid as violating any laws against perpetuities or the suspension of the power of alienation of title to or use of property, but is expressly permitted and shall be deemed to be in respect for the dead, a provision for the interment of human remains, and a duty to, and for the benefit of, the general public.

Construction of utility structures

8560. After dedication pursuant to this chapter, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it, or of not less than two-thirds of the owners of interment plots.

Streets, roads, etc.

8560.5. No streets, alleys, or roads shall be opened or laid out within the boundary lines of any cemetery located in whole or in part within the lines of any city or city and county, where burials in the cemetery have been had within five years prior thereto, without the consent of the person owning and controlling the cemetery.

(Added by Stats. 1953, Ch. 83, as part of codification.)

8561. All property dedicated pursuant to this chapter, including roads, alleys, and walks, is exempt from public improvement assessments, and is not liable to be sold on execution or applied in payment of debts due from individual owners of interment plots. Exemptions

Article 4. Sale of Plots

8570. After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then in effect or thereafter adopted by the cemetery authority, and subject to such other and further limitations, conditions and restrictions as may be inserted in or made a part of the declaration of dedication by reference, or included in the instrument of conveyance of such plot. Authority to sell

(Amended by Stats. 1939, Ch. 339.)

8571. All plots, the use of which has been conveyed by deed or certificate of ownership as a separate plot, are indivisible except with the consent of the cemetery authority, or as provided by law. Indivisibility of plots sold

8572. All conveyances made by a cemetery authority shall be signed by the president or the vice president, and the secretary, or by other officers authorized by the cemetery authority. Execution of conveyances

8573. Any cemetery authority or its agents who sell, offer for sale, contract to sell, or negotiate the sale of mausoleum crypts before the receipt of a certificate of occupancy as provided for in Sections 9591 and 9592 shall: Contracts: Contents

(a) Set forth in each contract a specific period of time within which the building or structure shall be completed.

(b) Set forth in each contract that the purchaser has the right of exchange for similar interment property and, in the event completion is not accomplished as set forth in (a) above, except upon the proclamation of a national emergency, guarantee the refund of the purchase price.

(c) Provide adequate financial provision for the construction cost of the mausoleum or the refund of the sales price to the purchaser until such time as a certificate of occupancy has been received.

(Added by Stats. 1957, Ch. 1635.)

8574. For a violation of any provision of Section 8573, the board may temporarily suspend or permanently revoke the license of any cemetery licensee and may order the reservation or eschewing of assets of the cemetery authority to the extent deemed necessary to satisfy the cost of construction of the structure or building. Same: Violations

(Added by Stats. 1957, Ch. 1635.)

Article 5. Removal of Dedication

Removal of
dedication

8580. Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(a) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(b) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(Amended by Stats. 1939, Ch. 1032.)

Notice of
hearing

8581. The notice of hearing provided in Section 8580 shall be given by publication once a week for at least three consecutive weeks in a daily newspaper of general circulation in the county where said cemetery is located, and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. Said notice shall:

(a) Describe the portion of the cemetery property sought to be removed from dedication.

(b) State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication.

(c) Specify the time and place of the hearing.

(Added by Stats. 1939, Ch. 1032.)

CHAPTER 4. PROPERTY RIGHTS

Article 1. General Provisions

Plots: Pre-
sumption of
ownership

8600. All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance.

(Amended by Stats. 1939, Ch. 339.)

Vested right
of spouse

8601. The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

(Amended by Stats. 1939, Ch. 339.)

Divestment
of right

8602. No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

(Amended by Stats. 1939, Ch. 339.)

8603. If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse. Descent to heirs, etc.

8604. Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes. Tax exemption

8605. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this chapter, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it. Authorization for permitting use

Article 2. Joint Tenants

8625. In a conveyance to two or more persons as joint tenants each joint tenant has a vested right of interment in the plot conveyed. Vested right

8626. Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant. Death of one tenant

8627. Cemetery property held in joint tenancy is exempt from the provisions of the Code of Civil Procedure relating to proceedings for establishing the fact of death of a person whose death affects title to real property. Exemption

8628. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot, when filed with the cemetery authority operating the cemetery in which the plot is located, is complete authorization to the cemetery authority to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest. Authorization for permitting use

8629. When there are several owners of a plot, or of rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designation with the cemetery authority. In the absence of such notice or of written objection to its so doing, the cemetery authority is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot. Designation of plot representatives

Article 3. Family Interment Plots

Family plot 8650. Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, the plot thereby becomes inalienable and shall be held as the family plot of the owner.

Interment priority 8651. In a family plot one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

Same 8652. If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law.

Waiver 8653. Any surviving spouse, parent, child or heir who has a right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative of either the deceased owner or of his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

(Amended by Stats. 1945, Ch. 848.)

Article 4. Vested Right of Interment

Waiver 8675. A vested right of interment may be waived and is terminated upon the interment elsewhere of the remains of the person in whom vested.

Limitations on right 8676. No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations of the cemetery in which the interment space is located.

Article 5. Voluntary Establishment of Inalienability

Interments restricted 8680. A cemetery authority may take and hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

CHAPTER 5. ENDOWMENT AND SPECIAL CARE
(Chapter heading amended by Stats. 1951, Ch. 176)

Article 1. Care of Old Cemeteries

8700. In addition to those cemeteries to which this part does not apply, this article does not apply to abandoned cemeteries nor to cemeteries in which interments are prohibited.

Scope of article

8701. Whenever a majority of the plots in all or any part of a cemetery established prior to August 14, 1931, has been sold without the owner having made provision for the establishment of an adequate endowment care fund for its care, maintenance, and embellishment, the avenues, roadways, walks, driveways, alleys, streets and parks in it may be vacated or altered and replatted into plots which may be sold for interment purposes pursuant to this article.

Vacation and plot platting of roads, etc.

(Amended by Stats. 1951, Ch. 176.)

8702. Application for the alteration or vacation or replatting of all or any portion of an alley, street, avenue, walk, driveway, or park, for plots in the cemetery shall be made to the superior court in the county in which all or any portion of the property is situated.

Application

8703. The application may be by the cemetery authority owning or operating the cemetery or if there is no cemetery authority operating the cemetery, by 20 or more plot owners.

Who may make

8704. The petition shall be verified and shall specify the facts of such ownership and shall state the reasons for the proposed change and what provisions have theretofore been made for the endowment care of the cemetery.

Petition

(Amended by Stats. 1951, Ch. 176.)

8705. There shall be presented with the petition a plat of the cemetery and the proposed replat which shall clearly indicate the proposed changes.

Plat

8706. The petition shall be filed with the clerk of the superior court, and the clerk shall fix the time for hearing not less than 30 nor more than 60 days from the date of filing.

Time for hearing

8707. Notice of the hearing shall be given by publishing a copy of the notice in a newspaper of general circulation near the cemetery in the county in which the property is situated, once a week for three consecutive weeks prior to the date of hearing.

Notice: Publication

8708. Copies of the notice shall be posted in three conspicuous places within the cemetery.

Posting

8709. The notice shall:

Contents

(a) Be addressed to all persons owning or interested in plots in the cemetery but need not name them.

(b) Set forth in a general way the proposed changes.

(c) Set forth the reasons stated in the petition for making the changes.

(d) State the time when the hearing of the petition will be had.

(e) State that a plat showing the proposed changes is on file with the clerk of the court.

Hearing

8710. At the time fixed for the hearing, the court shall hear and consider any evidence introduced in favor of and all objections to the changes and may allow the proposed changes and replat in whole or in part, or may order and allow modifications of the proposed changes. The hearing may be continued from time to time by order of court.

(Amended by Stats. 1939, Ch. 339.)

Sale

8711. The cemetery authority or other person directed by the court shall accept the newly created plots and shall sell and convey them only for interment purposes.

(Amended by Stats. 1957, Ch. 79.)

8712. (Amended by Stats. 1951, Ch. 176; repealed by Stats. 1957, Ch. 79.)

Vacation of
alley, etc.,
adjacent
to plot

8713. The vacation of an alley, avenue, roadway, walk, driveway, street, or park adjacent to a privately owned plot does not vest any interest in the owner of the plot to the vacated portion; but the adjacent owner shall, for 10 days after the date of the order of vacation, have the right to purchase the new plots.

(Amended by Stats. 1957, Ch. 79.)

Damage
allowance

8714. In allowing any damages to any plot owner for such vacation, the court shall take into consideration the benefit to be received from endowment care.

(Amended by Stats. 1951, Ch. 176.)

Declaration
of policy

8715. The provisions of this article are hereby declared to be a necessary exercise of the police power of the State in order to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are located. The taking of roadways, alleys, walks, avenues, driveways, streets and parks for the purposes and by the method in this section specified, regardless of the private character of the association or person applying therefor, is hereby declared an exercise of the right of eminent domain in behalf of the public health, safety, comfort, pleasure, protection, and historic instruction to present and future generations.

Article 2. Care of Active Cemeteries

Endowment
care funds

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Endowment care and special care funds may be commingled for investment and the income therefrom shall be divided between the endowment care and special care funds in the proportion that each fund contributed to the principal

sum invested. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority.

(Amended by Stats. 1939, Ch. 339, and by Stats 1951, Ch. 176.)

8726. The principal of all funds for endowment care shall be invested and the income only may be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules and regulations or other actions or instruments of the cemetery authority and for no other purpose. Endowment and special care funds shall be maintained separate and distinct from all other funds and the trustees shall keep separate records thereof.

Principal:
Investment

Maintenance

(Amended by Stats. 1951, Ch. 176, and by Stats. 1957, Ch. 1635.)

8726.1. The trustee of the endowment care fund shall create a reserve from which principal losses may be replaced by setting aside a reasonable percentage of the income from the fund. The trustee may also set aside out of income or net capital gains from investments, reserves for future maintenance, repair or restoration of property or embellishments in the cemetery which may be necessary or desirable as a result of wear, deterioration, accident, damage or destruction. The total amount of such reserves for maintenance, repair and replacement shall not at any time exceed 10 percent of the endowment care fund. "Net capital gains," as used in this section, means the amount by which cumulative capital gains since the establishment of the endowment care fund exceed the sum of cumulative capital losses since the establishment of the endowment care fund and capital gains previously set aside in reserve. Additions to the reserve in any year from capital gains shall not exceed one-half the difference between the capital gains and the capital losses during the year. Any capital gains not set aside in reserve shall be a part of the principal of the endowment care fund.

Reserve

"Net capital
gains"

(Added by Stats. 1951, Ch. 176; amended by Stats. 1955, Ch. 595 and Ch. 1047.)

8727. (Repealed by Stats. 1951, Ch. 176.)

8728. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will provide care, maintenance and embellishment.

Charges

(Amended by Stats. 1951, Ch. 176.)

8729. Upon payment of the purchase price and the amount fixed as a proportionate contribution for endowment care, there may be included in the deed of conveyance or by separate instrument an agreement to use the income from such endowment care fund for the care, maintenance, and embellishment in

Agreements
Care of
cemetery

accordance with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution will permit.

(Amended by Stats. 1951, Ch. 176.)

Care of plots 8730. Upon the application of an owner of any plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for endowment care a cemetery authority may enter into an agreement with him to use the income from such fund for the care of his plot and its appurtenances.

(Amended by Stats. 1951, Ch. 176.)

Trustees 8731. The cemetery authority may appoint a board of trustees of not less than three in number as trustees of its endowment care fund. The members of the board of trustees shall hold office subject to the direction of the cemetery authority.

(Amended by Stats. 1951, Ch. 176.)

Directors 8732. The directors of a cemetery authority, if any, may be the trustee of its endowment care fund. When the fund is in the care of the directors as a board of trustees the secretary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.

(Amended by Stats. 1951, Ch. 176.)

Qualifications of trustees 8732.1. Each individual trustee of an endowment care fund shall be a resident of this State, and a corporate trustee shall be qualified to do business in this State.

(Added by Stats. 1955, Ch. 595.)

Compensation 8733. No sum in excess of 5 per cent of the income derived from the fund in any year shall be paid as compensation to the board of trustees for its services as trustee.

Bank as trustee 8733.5. In lieu of the appointment of a board of trustees of its endowment care fund, any cemetery authority may appoint as sole trustee of its endowment care fund any bank or trust company qualified under the provisions of the Bank Act of the State of California to engage in the trust business.

(Added by Stats. 1941, Ch. 176; amended by Stats. 1951, Ch. 176.)

8734. (Amended by Stats. 1939, Ch. 339; repealed by Stats. 1951, Ch. 176.)

Property incident to fund 8735. A cemetery authority which has established an endowment care fund may take, receive, and hold as a part of or incident to the fund any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for its endowment care fund.

(Amended by Stats. 1951, Ch. 176.)

Nature of endowment care 8736. The endowment care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a

provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated.

(Amended by Stats. 1951, Ch. 176.)

8737. No payment, gift, grant, bequest, or other contribution for general endowment care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Uncertainty,
etc., of
beneficiaries

Perpetuities,
etc.

(Amended by Stats. 1951, Ch. 176.)

8738. An endowment care cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

Endowment
care
cemetery

(a) Sixty-five cents (\$0.65) a square foot for each grave;

(b) Ten dollars (\$10) for each niche;

(c) Forty dollars (\$40) for each crypt; provided, however, that for companion crypts, there shall be deposited forty dollars (\$40) for the first crypt and twenty dollars (\$20) for each additional crypt.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176, and by Stats. 1957, Ch. 1635.)

8738.1. In addition to the requirements of Section 8738 any endowment care cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars (\$25,000) before disposing of any plot or making any sale thereof.

Same

(Added by Stats. 1951, Ch. 176.)

8738.2. The endowment care fund under the provisions of this code shall be kept separate and apart from all other cemetery funds. Separate records and books shall be kept of the endowment care fund. The amount to be deposited in the endowment care fund shall be separately shown on the original purchase agreement and a copy delivered to the purchaser. In the sale of cemetery property, no commission shall be paid a broker or salesman on the amount deposited by the purchaser in the fund.

Separate
records
and books

(Added by Stats. 1955, Ch. 595.)

8739. A nonendowment care cemetery is one that does not have deposited in an endowment care fund the minimum amounts required by law.

Nonendow-
ment care
cemeteries

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8739.1. Any cemetery hereafter established shall be an endowment care cemetery.

Endowment
care
cemeteries

(Added by Stats. 1955, Ch. 595.)

"Nonendowment care section"

8740. A cemetery which otherwise complies with Section 8738 may be designated an endowment care cemetery even though it contains a small section which may be sold without endowment care, if the section is separately set off from the remainder of the cemetery and if signs are kept prominently placed around the section designating the same as a "nonendowment care section" in legible black lettering at least four inches high. There shall be printed at the head of all contracts, agreements, statements, receipts and certificates of ownership or deeds referring to plots in the section the phrase "nonendowment care" in lettering of a size and style to be approved by the State Cemetery Board.

No new "nonendowment care" sections shall be established, nor an existing one enlarged in an endowment care cemetery.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176, and by Stats. 1955, Ch. 595.)

Posted notice: Endowment care

8741. Each endowment care cemetery shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "endowment care"—which shall appear in a minimum of one-inch letters.

(b) The statement, "This is an endowment care interment property."

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176, by Stats. 1957, Ch. 1635, and by Stats. 1959, Ch. 598.)

8742. (Added by Stats. 1939, Ch. 339; repealed by Stats. 1951, Ch. 176.)

Nonendowment care

8743. Each nonendowment care cemetery or the State Cemetery Board shall post in a conspicuous place in the office or offices where sales are conducted and in a conspicuous place at or near the entrance of the cemetery or its administration building and readily accessible to the public, a legible sign with lettering of a size and style to be approved by the State Cemetery Board which shall contain the following information in the order and manner set forth below:

(a) A heading containing the words "nonendowment care."

(b) This is a nonendowment care interment property.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

Notice on contracts

8744. There shall be printed at the head of all contracts, agreements, statements, receipts, literature and other publications of nonendowment care cemeteries the following form:

"This institution is operated as a 'nonendowment care' interment property." The phrase "nonendowment care" shall be of a size and style to be approved by the State Cemetery Board.

(Added by Stats. 1939, Ch. 339; amended by Stats. 1951, Ch. 176.)

8745. All the information appearing on the signs and report filed in the cemetery office shall be revised annually and verified by the president and secretary, or two officers authorized by the cemetery authority. Verification

(Added by Stats. 1939, Ch. 339.)

8746. Any person, partnership, corporation, association, or his or its agents or representatives, who shall violate any of the provisions of this article, or make any wilful or false statement appearing on said sign, contract, agreement, receipt, statement, literature or other publication shall be guilty of a misdemeanor. Penalty

(Added by Stats. 1939, Ch. 339.)

8747. It shall be unlawful for a cemetery authority, its officers, employees or agents, or a cemetery broker or salesman to represent that an endowment care fund or any other fund set up for maintaining care is perpetual or permanent. Unlawful representations that funds exist

(Added by Stats. 1951, Ch. 176.)

8747.5. Each cemetery shall at all times maintain and keep within the State of California all books, accounts, records, cash and evidences of investments of its general and special care funds. They shall be readily available for inspection and examination by the State Cemetery Board in accordance with the provisions of the Business and Professions Code. Records, etc.

(Added by Stats. 1955, Ch. 595.)

8748. Where an endowment care mausoleum or mausoleum-columbarium is operated within an endowment care cemetery and the cemetery corporations or cemetery authorities owning or operating each merge and consolidate into one cemetery authority or corporation, the endowment care funds established by each may be consolidated and merged into one endowment care fund. Such merger shall be accomplished by the execution of a declaration of trust by the successor cemetery authority or corporation, which declaration shall provide: Cemetery corporation mergers

(a) That the assets of each endowment care fund shall be merged and consolidated into one endowment care fund which shall be held and administered by the directors of the successor cemetery authority or the trustees appointed by them for the care, maintenance, and embellishment of both cemeteries in accordance with the provisions of this code.

(b) That the income from such endowment care funds shall be used for the general care, maintenance, and embellishment for the cemetery as a whole, or, if the income from such consolidated fund is to be divided between such mausoleum or mausoleum-columbarium and cemetery, the proportion or manner in which it is to be divided.

(c) That it accepts and will administer all special care funds for the purpose for which they were established and in accordance with the provisions of this code.

The declaration of trust shall be approved by all of the trustees of each endowment care fund and by the directors of

the cemetery authority or corporation appointing such trustees, which approval shall be endorsed upon such declaration of trust. The declaration of trust shall not be effective unless and until approved by the State Cemetery Board.

An executed copy of such declaration of trust so approved shall be filed with the State Cemetery Board and in the office of the cemetery authority or corporation owning or operating such cemetery, where it shall be available for inspection by any owner of property therein.

Upon approval of the declaration of trust by the State Cemetery Board, the assets and liabilities of such endowment care funds shall be deemed merged and consolidated into one endowment care fund, and the trustees of, or appointed by, the cemetery authority or corporation handling such funds shall be immediately vested with the title to all of the assets and subject to all of the liabilities thereof. The trustees of the endowment care funds which have been thus merged or consolidated shall be relieved of any obligations or duties arising subsequent to such merger or consolidation.

(Added by Stats. 1953, Ch. 1161.)

Article 3. Investment of Endowment Funds

(Article heading amended by Stats. 1951, Ch. 176.)

Limitation
on use

8750. Endowment care funds shall not be used for any purpose other than to provide through income only for the reserves authorized by law and for the endowment care of the cemetery in accordance with the resolutions, by-laws, rules and regulations or other actions or instruments of the cemetery authority.

(Amended by Stats. 1951, Ch. 176.)

Investments

8751. The funds shall be invested and reinvested, and kept invested in:

(a) Bonds of the United States or this State, or of any country, city and county, or city in this State.

(b) Bonds legal for investment for savings banks in this State.

(c) First mortgages or first trust deeds on improved real estate.

(d) Income producing improved real estate in any city or county in this State.

(e) Investment certificates in any building and loan association organized, existing and doing business under the laws of this State.

(f) Investments of the type enumerated for domestic incorporated insurers in Article 3, Chapter 2, Part 2, of Division 1 of the Insurance Code of this State.

(g) By deposit in a bank which is insured by the Federal Deposit Insurance Corporation.

(h) Shares of a duly chartered and insured Federal Savings and Loan Association.

(Amended by Stats. 1939, Ch. 339.)

8751.1. In addition to the requirements of Section 8751, the ~~same~~ funds may be invested and reinvested and kept invested in investments of the type and in the manner as provided in Section 2261 of the Civil Code.

(Added by Stats. 1951, Ch. 176.)

Article 4. Special Care

8775. A cemetery authority which has established an endowment care fund may also take and hold any property bequeathed, granted, or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

Property
for special
purposes

(a) Improvement or embellishment of all or any part of the cemetery or any lot in it.

(b) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery.

(c) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery.

(d) Special care or ornamenting of any part of any plot, section, or building in the cemetery.

(e) Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

(Amended by Stats. 1951, Ch. 176.)

8776. The sums paid in or contributed to the fund authorized by this article are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest, or other contribution for such purpose is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contribution to it invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

Nature of
contributions

Uncertainty
of benefi-
ciaries, etc.

Article 5. Misrepresentation as to Endowment

(Article heading amended by Stats. 1951, Ch. 176)

8780. Every person who sells, offers for sale, or advertises any plot under representation that the plot is under endowment care, before an endowment care fund has been established for the cemetery in which the plot is situated, is guilty of a misdemeanor.

Misrepresentation

(Amended by Stats. 1951, Ch. 176.)

CHAPTER 6. REINCORPORATION OF CEMETERY ASSOCIATIONS

Reincorporation

8800. When the corporate existence of a cemetery association expires or has expired, and the directors, trustees, or persons in control of the association cause it to continue to exercise its functions, if the cemetery association was a non-stock corporation it may reincorporate by filing with the Secretary of State articles of reincorporation and a certificate of intention to reincorporate pursuant to this chapter.

Articles

8801. The articles of reincorporation shall state:

- (a) The name of the reincorporating cemetery association.
- (b) The purposes for which it is formed.
- (c) The county in which the principal office for the transaction of the business of the association is to be located.
- (d) The stock, certificate, or membership structure.
- (e) The names and addresses of the persons, not less than three, who are appointed to act as first directors or trustees of the reincorporated association.
- (f) The name of the former association which is being reincorporated.

(g) Any provisions allowed by law to be stated in articles of incorporation.

Certificate

8802. The certificate of intention to reincorporate shall contain or have annexed to it by exhibit:

(a) A statement showing the period the association has acted in a de facto capacity.

(b) A statement of the names, number, length of service in that capacity, and compensation of directors, trustees or persons in control of the association.

(c) A statement of the number of membership certificates issued during the de facto period, and the amount paid for them.

(d) A copy of the resolution of intention to reincorporate with a certificate of the person acting as secretary, showing that it was adopted by a majority of the acting directors, trustees, or persons in control at the time.

(e) A statement that the association failed to reincorporate prior to expiration of the period of corporate existence under the last articles filed by it.

(Amended by Stats. 1949, Ch. 36.)

Filing:
Secretary
of State

8803. If the Secretary of State finds that the articles of reincorporation and the certificate comply with the provisions of this chapter, he shall file them in his office and indorse on them the date of filing.

Corporate
existence

8804. The corporate existence under the articles of reincorporation begins at the time of the filing of the articles and continues perpetually unless otherwise provided by law.

Filing:
County clerk

8805. A certified copy of the articles of reincorporation shall be filed with the county clerk of the county in which the principal office of the association is located, and in every county in which the association owns real property.

8806. Upon reincorporation all of the assets and real and personal property of the cemetery association whose corporate existence has expired vests, by operation of law, in the reincorporated cemetery association. The reincorporated association succeeds to all rights and obligations of the former association and all members or certificate holders in the former association are members or certificate holders in the reincorporated cemetery association.

Vesting of
property,
etc.

CHAPTER 7. ABANDONMENT

(Chapter 7 added by Stats. 1957, Ch. 862)

8825. A city or county having a nonendowment care cemetery within its boundaries which threatens or endangers the health, safety, comfort or welfare of the public may, by resolution of its governing board, if not more than 10 human dead bodies have been interred therein for a period of five years immediately preceding the date of the resolution, declare the abandonment of the cemetery as a place of future interment and provide for the removal of such copings, improvements, and embellishments which the governing board finds to be a threat or danger to the health, safety, comfort, or welfare of the public.

Nonendow-
ment care
cemetery:
Resolution

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8826. The resolution for abandonment adopted under the provisions of this chapter shall specify and declare that at any time after the expiration of 60 days after the first publication of notice of declaration of intended abandonment, the city or county in which the cemetery is located will remove such copings, improvements, and embellishments which are found to be a threat or danger to the health, safety, comfort, or welfare of the public. Notice shall be given to all persons interested therein by publication in a newspaper of general circulation published in the county or city. Publication shall be pursuant to Section 6064 of the Government Code.

Same:
Contents

Notice

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8827. After the publication mentioned in Section 8826 of this code and after the expiration of the 60 days specified in the notice, the city or county shall remove such copings, improvements, and embellishments which have been found to be a threat or danger to the health, safety, comfort, or welfare of the public.

Removal of
copings, etc.

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

8828. After the work which the governing body, in its discretion, finds necessary and practicable has been completed, the governing body shall immediately thereafter, by resolution, dedicate such abandoned cemetery as a pioneer memorial

Pioneer me-
morial park:
Dedication

park and forthwith cause to be erected a suitable central memorial honoring those who have been interred in the cemetery.

(Added by Stats. 1957, Ch. 862; amended by Stats. 1959, Ch. 1241.)

Maintenance 8829. Thereafter the city or county shall maintain said pioneer memorial park so that it will not endanger the health, safety, comfort, or welfare of the public.

(Added by Stats. 1957, Ch. 862.)

PART 4. PUBLIC CEMETERY DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

Territory 8890. Public cemetery districts consisting of contiguous lands in one or more counties may be formed pursuant to this part.

"District" 8891. "District," as used in this part, means any public cemetery district organized pursuant to this part or pursuant to any law which it supersedes.

"Trustees" 8892. "Trustees," as used in this part, means the board of trustees of a district.

CHAPTER 2. PETITION

Petition 8900. Fifty or more citizens who are owners of land located within a proposed district, whose names appear as owners upon the last completed assessment roll of the county in which a majority of the acreage of the proposed district is situated, may petition for the organization of a district.

Contents 8901. The petition shall definitely describe the boundaries of the proposed district and request that the territory within the boundaries be organized into a district.

Presentation 8902. The petition shall be presented to the board of supervisors of the county in which a majority of the acreage of the proposed district is situated, at a regular or special meeting of the board.

Separate instruments 8903. The petition may consist of any number of separate instruments, which, except as to signatures, shall be duplicates.

CHAPTER 3. NOTICE OF HEARING

Publication 8910. The board of supervisors, by resolution, shall fix a time for hearing the petition not less than two nor more than five weeks from the time of presentation, and shall cause notice to be given at the time and place of hearing, by publication in some newspaper of general circulation, printed and published in the county, for not less than two weeks prior to the time of hearing.

Copy of petition 8911. The notice shall contain a copy of the petition, but the names attached to the petition need not be included in the notice or publication.

8912. The notice shall state that any person residing in or owning property within the proposed district or within any existing cemetery district, any part of the territory of which is described in the petition, may appear before the board at the hearing, and show cause why the petition should not be granted, or why the proposed boundaries should be changed.

Statement

CHAPTER 4. HEARING

8920. At the time fixed for hearing, the board of supervisors shall hear the petition and shall determine by resolution whether or not it complies with this part and whether or not notice has been published as required. The board shall hear all competent and relevant testimony offered in support of or in opposition to the petition.

Determination

Testimony

8921. The hearing may be adjourned from time to time, not exceeding two weeks in all.

Adjournment

8922. No defect in the contents of the petition or in the title to or form of the notice or in the signatures vitiates any proceeding if the petition has sufficient qualified signatures.

Defects

8923. A finding of the board of supervisors in favor of the genuineness and sufficiency of any petition presented to it pursuant to this part, and a finding that due notice of hearing has been given, is final and conclusive against all persons except the State of California, upon suit commenced by the Attorney General. Any such suit shall be commenced within one year after the order of the board of supervisors declaring the district organized.

Finding

Suit

8924. If the board of supervisors determines that the petitioners have complied with this part and that the notice has been published as required, it shall proceed to a final hearing.

Sufficiency of petition and notice

8925. The board shall make such changes in the boundaries of the proposed district as it deems advisable and shall define and establish the boundaries, and may include any territory described in the petition which is within the boundaries of an existing cemetery district, and, if so included by the board, the territory, upon the organization of the proposed district, shall cease to be a part of the existing district.

Boundaries

8926. Any person residing or owning property within the proposed district or within an existing cemetery district may appear before the board of supervisors at the hearing, in person or by attorney or agent, and oppose the creation of the district or request a change in its boundaries and may produce evidence in support of his opposition or request.

Opposition

CHAPTER 5. PROTEST AND ELECTION

8930. Registered voters within the boundaries of the proposed district, equal in number to at least 10 per cent of the number of votes cast for the office of Governor at the last preceding gubernatorial election, or the owners of more than 10

Protest

per cent of the total assessed valuation of the land in the proposed district may appear at the hearing, in person, or by attorney or agent, and protest the creation of the district or request a change in its boundaries.

Special election 8931. Before any new district is created, the board shall call a special election to determine whether or not the district shall be created.

(Amended by Stats. 1941, Ch. 933.)

Time and place, etc. 8932. If the election is called, the board shall, in its order, specify the time and place for the election, the voting places and the number of precincts within the district, if in the judgment of the board more than one voting place is necessary, and shall, in its order, appoint and designate two judges and one clerk for each polling place.

Election officials 8933. The election officials shall be qualified electors of the district, and shall conduct the election.

Election law 8934. The election shall be held in all respects as nearly as practicable in conformity with the general election law.

Register, polls 8935. A new register or legal ballot paper shall not be required. The polls shall be open from 8 o'clock a.m. to 7 o'clock p.m., on the day appointed for the election.

Ballots 8936. The ballots shall contain the words "Cemetery District, Yes" and "Cemetery District, No."

Vote return 8937. The judges of the election shall within 24 hours after the closing of the election, make return of and certify the votes to the board, showing the total number of votes cast, the number of votes in favor of and the number of votes against creation of the district.

Favorable vote 8938. If two-thirds or more of the votes are cast in favor of the formation of the district, the board of supervisors shall proceed with the organization.

(Amended by Stats. 1941, Ch. 933.)

Unfavorable vote 8939. If more than one-third of the votes are cast against the formation of the district, all further action by the board under the petition shall cease, and no further or other petition for the organization of a cemetery district in the territory specified in the petition shall be received or acted upon within six months after the election.

(Amended by Stats. 1941, Ch. 933.)

Approval of petition 8940. Upon conclusion of the canvass of the ballots of the election, if one is held, and if the returns of the election are favorable to the formation of a district, and upon conclusion of the hearing of the matter, if no election is held, the board shall, by an order entered in its minutes, approve the petition as originally presented or as modified, and declare the territory embraced within the boundaries established by the board organized as a district.

Formation completion 8941. The board shall then cause a certified copy of the order to be immediately filed for record in the office of the county recorder of the county. From and after the filing, the organization of the district is complete.

CHAPTER 6. GOVERNMENT

8950. The district shall be governed and managed by three or five trustees, as specified in the petition for the formation of the district. The trustees shall be appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors of the county in which the largest portion of the district is located. The number of trustees of a district may be increased from three to five by the board of supervisors upon petition by a majority of the trustees of the district.

Trustees

(Amended by Stats. 1959, Ch. 876.)

8951. The trustees shall be appointed from the electors residing within the district.

Qualifications

8952. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation.

Terms, compensation

CHAPTER 7. POWERS

8960. A cemetery district may adopt and use a common seal and may sue and be sued by its name.

Seal, suits

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased lots or plots while residents or taxpayers of the district or members of their families. Families shall be limited to a spouse, parents, grandparents, children and brothers and sisters.

Cemetery

Limitation

(Amended by Stats. 1957, Ch. 1222, and by Stats. 1959, Ch. 1140.)

8961.1. The provisions of Section 8961 of this code notwithstanding, any cemetery maintained by a public cemetery district may be used for the burial within the ground of a deceased nonresident of any such district; provided expressly, that the interment of such deceased nonresident has occurred prior to the effective date of this enactment. The use of any such cemetery shall also be extended to the burial of the members of the family of any such deceased nonresident of the district which last-named decedent was interred within such cemetery prior to the effective date of this enactment. The use of any such cemetery for the burial of the said members of the family of a deceased nonresident of the district, which last-named decedent was interred prior to the effective date of this enactment, shall extend to the burial of the said members of the family whether interred before or after the effective date of this enactment.

Burial of deceased nonresidents, etc.

Except as herein specifically provided, the use of any cemetery maintained by any public cemetery district shall be expressly limited by the provisions of Section 8961 of this code.

Limitation

(Added by Stats. 1957, Ch. 473.)

Burial of
ineligible
decedents

8961.2. Where private facilities are not available within a radius of 15 miles of decedent's residence, a decedent not otherwise eligible for burial within a cemetery of the district may be interred therein and the district shall charge a rate therefor which shall be sufficient to reimburse the district for the cost of the grave and the cost of services, and shall require a minimum deposit to the endowment care fund, if one exists, in the amount set forth in Section 8738 of this code or any amendments thereto. The foregoing requirement as to charges shall not be applicable to the burial of indigents at public expense who may be interred at such rates as may be fixed by the public agency responsible for the burial.

(Added by Stats. 1957, Ch. 1222; amended by Stats. 1959, Ch. 1139.)

Same

8961.3. Interment in a district cemetery under the provisions of Section 8961.2 shall be permitted only if both of the following conditions exist:

(a) Decedent was a resident of this State at the time of his death.

(b) There is no private cemetery nearer to decedent's place of residence than the nearest district cemetery, the distances measured in a straight line from the decedent's place of residence to the nearest private cemetery and the nearest district cemetery.

The district which maintains the cemetery nearest in a straight line to decedent's place of residence shall allow the interment of the decedent in the cemetery if the charges prescribed by Section 8961.2 are paid. Any other district may permit the interment of such decedent in a cemetery which it maintains upon payment of such charges.

(Original 8961.3 amended and renumbered 8961.7. Present 8961.3 added by Stats. 1959, Ch. 997.)

Rates

8961.4. The board of trustees shall establish rates to be charged for burials within cemeteries of the district, which rates shall insofar as possible, be established at an amount which will permit that portion of the cemetery in which the grave is located to be maintained on a self-supporting basis and shall be such as will at least reimburse the district for the cost of the grave and the cost of services, and the board shall require a minimum deposit in the endowment care fund if one exists in the amount set forth in Section 8738 of this code or any amendments thereto.

Deposit in
endowment
care fund

(Added by Stats. 1957, Ch. 1222; amended by Stats. 1959, Ch. 1141.)

Exception

8961.5. No deposit is required in the endowment care fund of a district for any burial in a cemetery of the district if the endowment care fund of the district was established and created subsequent to September 11, 1957, and the board of trustees of the district adopt a resolution declaring that such deposits shall not be required.

(Added by Stats. 1959, Ch. 1605. In effect July 7, 1959.)

8961.7. A district formed prior to the adoption of this section may acquire, and maintain a mausoleum if construction thereof was completed at least 10 years prior to May 1, 1947; provided, however, that such district may construct additions to such a mausoleum for crypt entombment.

(Formerly 8961.3. Added by Stats. 1947, Ch. 870; amended by Stats. 1949, Ch. 868; amended and renumbered 8961.7 by Stats. 1959, Ch. 997.)

8962. The district may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the district, and for these purposes may take and hold title to property by grant, gift, devise, lease, or any other method.

8963. The district may do all acts necessary or proper for the carrying out of the purposes of this part, including the selling or leasing of burial lots.

The trustees shall prepare or cause to be prepared and shall maintain an up-to-date map of the cemetery showing by section and lot number which lots have been sold or leased for burial purposes and which lots are still owned by the district and available for sale or lease.

(Amended by Stats. 1943, Ch. 579.)

8964. The trustees shall make proper rules and regulations for the management of the cemeteries under their control, and all laws relating to cemeteries, and not inconsistent with this part, apply to the cemeteries provided for in this part.

8965. It shall be unlawful for any officer or employee of the district to engage in private business of selling monuments or markers.

(Added by Stats. 1947, Ch. 503.)

8966. Nothing in this chapter shall be construed as permitting the district to engage in the business of selling monuments or markers.

(Added by Stats. 1947, Ch. 503.)

8967. The trustees may dedicate to the State of California, or any political subdivision or municipal corporation thereof, for public street or highway purposes, either with or without consideration, any real property belonging to the district in which no burial lots have as yet been either sold or leased and which real property is not then needed by the district; and may dedicate to the State, or any political subdivision or municipal corporation thereof, either with or without consideration, an easement to lay, construct, maintain, or operate irrigation, sewer, or storm drain pipes or ditches over and upon any real property belonging to the district in which no burial lots have as yet been either sold or leased and which real property is not then needed by the district.

(Added by Stats. 1955, Ch. 402.)

8967.5. Before ordering the dedication of any property, the trustees shall in a regular open meeting by a two-thirds vote of all its members adopt a resolution declaring its intention to dedicate the property or easement. The resolution shall describe the property proposed to be dedicated and shall fix

Mausoleum

Streets, etc.

Necessary
acts

Map

Rules and
regulationsSale of
monuments,
etc.

Same

Dedication
of streets,
etc.Resolution of
intention

a time not less than 10 days thereafter for a public hearing of the trustees to be held at its regular place of meeting upon the question of making the dedication.

(Added by Stats. 1955, Ch. 402.)

Notice of adoption and hearing

8968. Notice of the adoption of the resolution and of the time and place of holding the hearing shall be given by posting copies of the resolution signed by the members of the board of trustees or by a majority thereof, in three public places in the district not less than 10 days before the date of the hearing, and by publishing the notice pursuant to Section 6061 of the Government Code not less than five days before the date of the hearing in a newspaper of general circulation published in the county in which the district or any part thereof is situated and having a general circulation in the district.

(Added by Stats. 1955, Ch. 402; amended by Stats. 1957, Ch. 357.)

Hearing

8968.5. The trustees shall hold the hearing at the time and place fixed in the resolution, and the board of trustees may at the hearing, or at any meeting of the board of trustees held within 60 days thereafter, unless a protest is entered as provided in Section 8969, adopt a resolution by a two-thirds vote of all its members authorizing and directing either the president, any other presiding officer, the secretary, or the members of the board of trustees to execute a deed of dedication of the property and to deliver it. Upon the delivery and acceptance of the deed, the dedication or conveyance is fully effective.

(Added by Stats. 1955, Ch. 402.)

Protests

8969. If a written protest is filed with the trustees by 10 percent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, prior to the time fixed for the hearing, no further proceedings shall be taken on the proposed dedication.

(Added by Stats. 1955, Ch. 402.)

CHAPTER 8. FINANCE AND TAXATION

Article 1. Estimate of Expenses

Estimate

8970. The trustees shall annually, at or before the time fixed by law for filing estimates of expenditures, estimate and certify to the board of supervisors of the county in which the district is situated, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year.

Division

8971. If the district is in more than one county, the total estimate shall be divided by the board of trustees in proportion to the value of the real property of the district in each county.

Value

8972. This value shall be determined from the equalized values of the last assessment rolls of the counties.

8973. When the division of the estimate has been made, the trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county. Certification

Article 2. Taxation

8980. The board of supervisors of each county in which is situated all or any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the trustees. Tax levy

8981. The tax so levied shall not exceed two mills on each dollar of assessed valuation of the property in the district. Maximum tax

8982. The tax shall be collected by the same officers and in the same manner as other county taxes, and the money and all other money received by the trustees, shall be paid into the county treasury and constitute a separate fund. The fund shall be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of the trustees. Collection and disposition of taxes

All money received or collected by the trustees shall be paid into the county treasury on or before the fifth day of the month following the month in which the same was received or collected.

(Amended by Stats. 1943, Ch. 579.)

8983. If the district is in more than one county, the treasurer of the county in which the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties in which is situated a portion of the district, shall, at any time, but not oftener than twice each year, upon the order of the trustees, settle with the trustees and pay over to the treasurer of the county in which the district was organized, all money in their possession belonging to the district. Fund repository

8984. The treasurer of the county in which the district was organized shall receive and receipt for the money and place it to the credit of the district. He is responsible upon his official bond for the safekeeping and disbursement of all money of the district held by him. Custody and disbursement

8985. All funds on hand, accruing from a previous assessment, in the treasury of any unit of the proposed district or district already in existence, or that may be accumulated through gift, bequest, or assessment, shall be paid over to the county treasurer of the county in which the district was organized. Accrued funds, etc.

Article 3. Trustees Report

8990. As soon after the first day of July in each year as practicable, the trustees shall file with the board, or boards of supervisors if the district is situated in more than one county, a report, setting forth all their transactions during the fiscal Report

year, and containing an itemized account of all their receipts and disbursements during the fiscal year together with proper vouchers for them.

Audit report 8991. The board of supervisors, or boards of supervisors if the district is situated in more than one county, may provide by an order entered upon the minutes of the board, or upon the minutes of each board, that, in lieu of the trustees report required by Section 8990, the trustees shall file with the board, or each board, a verified copy of the audit report of the annual audit of the district made pursuant to Section 26909 of the Government Code.

(Added by Stats. 1959, Ch. 1424.)

Article 4. Perpetual [Endowment] Care Fund

"The endowment care fund" 9000. The trustees may, upon a two-thirds vote, establish and create a fund to be known as "the endowment care fund," and for this purpose may set aside, use, and apply from any unexpended funds such sum as in the judgment of the trustees may be necessary or expedient to provide for the endowment care of the burial lots in the cemetery and for this purpose may receive property by grant, gift, devise, or any other method.

(Amended by Stats. 1951, Ch. 176.)

Taxes 9001. No part of the tax levy shall be used for the endowment care fund.

(Amended by Stats. 1951, Ch. 176.)

Investment 9002. The trustees may invest and reinvest the principal of the fund in such income producing securities as may be approved by the treasurer and the district attorney of the county in which the district is situated.

Limitation 9003. No part of the principal of the fund shall be expended for the care of the lots, but such expenditures shall be limited to the income from the fund.

Report 9004. The trustees shall annually on or before the first day of July, file with the board of supervisors of the county in which the district is situated, an itemized report of the receipts and expenditures from the fund.

Income 9005. All money received from the income of the fund shall be deposited in the county treasury of the county in which the cemetery is situated, in the endowment care fund. This fund shall be expended solely for the purpose specified upon warrants issued by the county auditor on orders signed by not less than two of the trustees.

(Amended by Stats. 1951, Ch. 176.)

Article 5. Claims

(Article 5 added by Stats. 1959, Ch. 1727)

Claims 9010. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as

provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

CHAPTER 9. ANNEXATION OF TERRITORY

Article 1. Petition

9025. The boundaries of any district may be altered and outlying territory, whether in one or more counties, may be annexed as provided in this chapter. Authority

9026. Fifty or more freeholders within the territory proposed to be annexed, or a majority of freeholders if there are less than 100 within the territory proposed to be annexed, may present a petition for annexation of territory to the board of supervisors of the county in which the district is situated, or if the district is in more than one county, to the board of supervisors of the county in which the largest portion of the district is situated. Petition

9027. The petition shall designate the boundaries of contiguous territory proposed to be annexed. Boundary designation

Article 2. Notice and Hearing

9050. At the first regular meeting after the presentation of the petition, the board of supervisors shall cause notice of the petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there is such a newspaper, otherwise, by posting copies of the notice in three of the most conspicuous places in the territory proposed to be annexed, for three weeks prior to the date to be fixed by the board for hearing the petition. Notice:
Publication
or posting

9051. Upon the date fixed for hearing, or to which it may be continued, the board of supervisors shall consider the petition and any objections which may be filed to the inclusion of property in the district. Hearing

9052. The board of supervisors, by order entered on its minutes, may grant the petition either in whole or in part, and, by order entered on its minutes, may alter the boundaries of the district and annex all, or such portion of the territory described in the petition as will be benefited by inclusion in the district. Order

9053. (Repealed by Stats. 1941, Ch. 933.)

9054. Territory which will not be benefited, or which is not contiguous to the district, or which is not described in the petition, shall not be included in the district. Exclusion of
territory

9055. No territory shall be annexed except upon an affirmative vote of two-thirds or more of the qualified electors of said territory at an election which shall be called, noticed, conducted, and the results determined as provided in this part Vote
required

for elections on formation of districts. If two-thirds or more of the votes at such election are in favor of annexation the board shall make an order declaring the territory annexed to the district and thereafter said territory shall be a part of the district, and, with the rest of the district, liable for all taxes to be levied for the operation and maintenance of the district.

(Added by Stats. 1941, Ch. 933.)

CHAPTER 10. WITHDRAWAL OF TERRITORY

Article 1. Petition

Authority 9075. Any portion of a district which will not be benefited by remaining within the district may be withdrawn as provided in this chapter.

Petition 9076. Fifty or more freeholders residing in, or owning property within the portion desired to be withdrawn from a district or a majority of freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may request withdrawal of that portion from the district on the ground that that portion will not be benefited by remaining in the district.

Article 2. Notice and Hearing

Time for hearing 9077. The board of supervisors shall fix a time for the hearing of the petition and for hearing protests to the continuance of the remaining territory as a district, which shall not be less than 10 nor more than 60 days after the receipt of the petition. The board shall, at least 30 days prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper, circulated in the district, which the board deems most likely to give notice to the inhabitants of the proposed withdrawal.

Notice

Objections 9078. Any person interested may appear at the hearing and object to the withdrawal of that portion from the district, and may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon the petition and objections and if it finds that that portion of the district sought to be withdrawn will not be benefited by remaining within the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

Determination

CHAPTER 11. EFFECT ON PREVIOUS LAWS

Effect of repeal 9100. No right or obligation of a cemetery district formed and operating pursuant to the provisions of Chapter 106, Statutes of 1909, as amended, is affected by the repeal of that act, but any district so organized and operating may continue in existence only subject to this part.

(Amended by Stats. 1941, Ch. 933.)

CHAPTER 12. ABANDONMENT

(Chapter 12 added by Stats. 1941, Ch. 715)

9201. Any public cemetery district may acquire, by grant, gift, or any other method, any nonperpetual care cemetery existing in the district at the time of its formation in which there has not been interred any human dead for the period of twenty (20) years. Acquisition of nonperpetual care cemetery

(Added by Stats. 1941, Ch. 715; amended by Stats. 1945, Ch. 936.)

9202. (Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760; repealed by Stats. 1945, Ch. 936.)

9203. Any public cemetery district having acquired a cemetery within its district boundary lines, as hereinbefore provided, may, by resolution of its board of directors, if no human dead have been interred therein for a period of twenty (20) years immediately preceding the date of the resolution, declare the abandonment in whole or in part of the cemetery as a burial place for the human dead and for the removal of human remains interred therein to another cemetery or cemeteries within the boundaries of the district as in this chapter provided. Removal

(Added by Stats. 1941, Ch. 715; amended by Stats. 1943, Ch. 760.)

9204. Any resolution or declaration for abandonment and removal duly adopted and made under the provisions of this chapter shall specify and declare that at any time after the expiration of two months after the first publication of the notice of declaration of abandonment and removal required to be published, as in this chapter set forth, the human remains then remaining in the cemetery or part thereof will be removed by the district owning or controlling the cemetery. Notice

(Added by Stats. 1941, Ch. 715.)

9205. Notice of the declaration of abandonment and the proposed removal of the human remains from any abandoned cemetery, or part thereof, shall be given, to all persons interested therein, by publication in a newspaper of general circulation published within the public cemetery district and most likely to give notice to the parties concerned. If no newspaper of general circulation is published in the district, then publication shall be made in a newspaper of general circulation published in the county within which the district is located. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of the Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein" and shall specify a date not less than two months after the first publication of the notice when the district owning or controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery, or part thereof. Publication

(Added by Stats. 1941, Ch. 715.)

Posting

9206. Copies of the notice so published shall within 10 days after the first publication thereof be posted in at least three conspicuous places in the cemetery from which the removal of the human remains interred therein are to be made, and a further copy of the notice shall be mailed by registered letter to every person who owns or holds or has the right of burial in any lot, or plot in the cemetery, or part thereof, affected by the resolution or declaration of abandonment and removal, whose name appears as owner or controller upon the records of the cemetery. The notice so mailed shall be addressed to the last known post-office address of the respective lot owner or plot holder as the same appears from the records of the cemetery, and if no address appears or is known, then it shall be addressed to such persons at the county seat of the county in which the cemetery land is situated. Notice shall be mailed to any known living heir at law of any person whose remains are interred in the cemetery when the address of the heir is known.

(Added by Stats. 1941, Ch. 715.)

Power to
remove

9207. After the completion of the publication, posting and mailing of the "Notice of Declaration of Abandonment of Land for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein," and after the expiration of two months as specified in the notice, the district owning or controlling the cemetery shall have power to cause the removal of all human remains interred in the cemetery, or part thereof, to be abandoned as a cemetery or burial place of the dead, and to cause the reinterment in other cemeteries in the district where burials are permitted, without further notice to any persons claiming any interest in the cemetery or part thereof, or in the remains therein interred.

(Added by Stats. 1941, Ch. 715.)

Presence of
persons
interested

9208. At any time before the date fixed for the removal of the remains by the district owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery or part thereof, from which it is proposed to make removal may give the district proposing to make removals, written notice that he or she desire to be present when the remains of a friend or relative, are disinterred or reinterred. The notice shall state the name of the person whose remains are referred to and as accurately as possible shall describe the lot or plot where the remains are buried and the date of the burial, and shall specify an address to which the notice provided for in Section 9209 may be made. Notice may be delivered at the office or the principal place of business of the district owning or controlling the cemetery land and proposing to make removal, or may be forwarded thereto by registered mail.

(Added by Stats. 1941, Ch. 715.)

9209. Upon receipt of such notice before the date fixed for the removal of the remains by the district proposing to make removals, it shall be the duty of the district to give written notice, to the persons giving the notice provided in Section 9208, of the time when the remains shall be disinterred and of the time when and the place where the same will be reinterred. The notice shall be given by delivery thereof at the address stated in the notice referred to in Section 9208, or by mailing the same to the person giving such notice, at the address stated, delivery or mailing to be made not less than ten (10) days prior to the date specified for the disinterment of such remains. Whenever written notice shall be given by a relative or a friend of any persons interred in the cemetery lands from which removals are proposed to be made, the district owning or controlling such cemetery land and proposing to remove the bodies interred therein shall not disinter the bodies until notice of time of such disinterment is given such relative or friend.

Notice to
persons
interested

(Added by Stats. 1941, Ch. 715.)

9210. At any time prior to the removal, by the district owning or controlling the abandoned cemetery land, of the remains of any persons buried in the abandoned cemetery, any relative or friend of the person may voluntarily remove the remains and deposit the same as he may desire; provided, however, that the persons desiring to cause removal prior to such removal shall deliver to the district owning or controlling the abandoned cemetery, an affidavit, duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of the remains and the names and places of residence of the heirs at law of the deceased person.

Voluntary
removals

(Added by Stats. 1941, Ch. 715.)

9211. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, removal shall not be made by him until he shall have delivered to the district owning or controlling the abandoned cemetery a written consent of a majority of the known heirs at law of the deceased person who are residents of the State of California. The statements in the affidavit shall be sufficient evidence of the numbers, names and residence of the heirs at law for all the purposes of this chapter, and the written consent of the majority of the heirs at law named in the affidavit shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of the remains by such persons.

Heirs at law

(Added by Stats. 1941, Ch. 715.)

9212. The purchaser or owner of any burial lot or plot in the abandoned cemetery, or part thereof, or of the right of burial therein or any one of the joint purchasers of any

Owner of lot

lot or plot of burial land therein may cause the removal of any person or of the remains interred in such lot or plot without the necessity of signing any affidavit of consent as specified in Section 9210.

(Added by Stats. 1941, Ch. 715.)

Heir of
owner

9213. If the right, title or interest of any grantee of any burial lot or plot of the abandoned cemetery, or the right of burial therein, shall have passed by succession to the heir or heirs at law of the grantee without formal distribution by order of court, the heir or heirs at law may remove the remains of persons interred in such lot or plot, and the affidavit of any heir at law setting out the fact of heirship shall be accepted by the district owning or controlling the abandoned cemetery land from which removals are to be made as sufficient evidence for all the purposes of this chapter of the fact of the transfer of title or right of burial to such heir, or heirs at law.

(Added by Stats. 1941, Ch. 715.)

Reinterment

9214. Whenever the remains of any person shall have been removed from any abandoned cemetery, or the part thereof abandoned as a burial place under the provisions of this chapter, by the district having charge or control of the abandoned cemetery lands, the remains shall be transported and reinterred in any other cemetery lands, within the boundaries of the district having charge or control of the abandoned cemetery land as provided in this chapter.

(Added by Stats. 1941, Ch. 715.)

Receptacle

9215. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under the rules and regulations now in force or that may be adopted by the district making removal.

(Added by Stats. 1941, Ch. 715.)

Vaults,
monuments

9216. Whenever the remains of any person shall be removed from any abandoned cemetery by any relative or friend of such person, under the provisions of this chapter, the persons causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which the remains have been removed, and the affidavit or written consent given under the provisions of Section 9210 shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of any vault, monument, headstone, coping or other improvement appurtenant to the grave.

(Added by Stats. 1941, Ch. 715.)

Removal of
vaults

9217. Whenever the remains of any person buried in any lot or plot shall have been removed, and any vault, monument, headstone, coping or other improvement appurtenant thereto shall remain on the lot or plot for more than sixty (60) days after removal of the last human remains therefrom, the

vault, monument, headstone, coping or other improvement may be removed and disposed of by the district owning or controlling the abandoned cemetery land, and thereafter no persons claiming any interest in the lot or plot or the vault, monument, headstone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court, any action in relation to such vault, monument, headstone, coping or other improvement so removed or disposed of.

(Added by Stats. 1941, Ch. 715.)

9218. Whenever a cemetery or part thereof has been abandoned as a cemetery or place of burial for the human dead, as provided in this chapter, by the district owning or controlling the same, the parts or portions thereof in which no interments have been made and the parts and portions thereof from which all human remains have been removed may be sold by the district owning and controlling the abandoned cemetery lands. No order of any court shall be required in order to make any sale of lands abandoned for cemetery purposes and from which the human remains have been removed.

Sale of
portion

(Added by Stats. 1941, Ch. 715.)

9219. Whenever any district shall have resolved upon the abandonment of any cemetery, or part thereof, and the removal of the human remains therefrom, under the provisions of this chapter, the district shall have power to employ any moneys in its treasury to defray the expenses of such abandonment and removal, including the expenses of purchasing additional lands or otherwise providing a suitable place for the interment in any other cemetery within the boundaries of the district and under its control; also including the expenses of disinterment, transportation and reinterment; also including the expenses of the removal and disposal of any vaults, monuments, headstones, coping or other improvements which may remain after the human bodies are removed from any abandoned cemetery or part thereof; also including all necessary expenses incident to the sale of any lands; also including all other expenses necessarily incurred in carrying out the abandonment of the abandoned cemetery lands and the removal and reinterment of the bodies removed and all other expenses incident to any of the above purposes.

Costs of
removal

(Added by Stats. 1941, Ch. 715.)

9220. Any moneys received by the district from the sale of the lands of the abandoned cemetery may be used for any purpose as the district may lawfully declare.

Receipts

(Added by Stats. 1941, Ch. 715.)

9221. Whenever any district shall remove human bodies or the remains thereof from any abandoned cemetery lands the district shall reinter any human remains removed in the established cemetery of the district; and thereafter the lots or plots in which the human remains removed have been reinterred shall be conveyed to the person or persons, if known, who owned the lot or plot in the abandoned cemetery from

Conveyance
of new lots

which the human remains were removed, and the conveyance shall be in full of all right, title and interest of any person or persons owning any lot or plot in the abandoned cemetery from which the human remains have been removed.

(Added by Stats. 1941, Ch. 715.)

Same

9222. In event of any person or persons owning any lot or plot of land within the abandoned cemetery in which no human remains have been interred, the directors of the district owning or controlling the lands of the abandoned cemetery, shall convey to such person or persons owning any lot or plot in the abandoned cemetery a lot or plot of equal dimensions in the cemetery owned and conducted by the district and such conveyance shall be in full of all right, title and interest in and to the lot or plot owned by such person or persons in the abandoned cemetery, and thereafter no person or persons claiming any interest in any such lot or plot shall have the right to maintain in any court an action in relation to such lot or plot owned by such person or persons in the abandoned cemetery.

(Added by Stats. 1941, Ch. 715.)

Markers

9223. After the removal and reinterment of the human bodies disinterred from any abandoned cemetery, or part thereof, the district owning or controlling the abandoned cemetery lands and making removals shall cause to be erected upon or imbedded in any lot or plot wherein any such body is reinterred, a suitable permanent marker identifying the remains and shall prepare a complete record of the name of each person, where known, whose body was reinterred and the lot or plot in the cemetery where the body is reinterred and such record shall be kept on file in the office of the district making the removals and reinterments and shall at all times be open to inspection of the relatives or friends of those so reinterred.

(Added by Stats. 1941, Ch. 715.)

Recording

9224. After the removal of all human remains interred in any part or the whole of the cemetery lands abandoned as a burial place for the human dead as provided in this chapter, the district owning or controlling the abandoned cemetery lands may file for record in the office of the county recorder of the county or city and county in which the lands are situated, a written declaration reciting that all human remains have been removed from the part or portion of the lands described in the declaration. The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers, of the district owning or controlling the abandoned cemetery lands, and thereafter any deed or other conveyance of any part of such lands shall be conclusive evidence in favor of any grantee therein named, his successors

or assigns, of the fact of the complete removal of all human bodies therefrom.

(Added by Stats. 1941, Ch. 715.)

9225. In the disinterment, transportation, and removal of human remains made under the provisions of this chapter, it shall not be necessary for the district owning or controlling the abandoned cemetery lands to obtain from the board of health or health officer of the city, city and county, or town where the cemetery lands are located, a separate permit for the disinterment, transportation, or removal of the remains of each person so disinterred, transported, or removed, but disinterment, transportation, and removal of the human remains shall be made subject to reasonable rules and regulations relative to the manner of disinterring, transporting or removing remains as may be adopted by the board of health or the health officer of the city, city and county, or town wherein the cemetery lands are situated.

General
permit

(Added by Stats. 1941, Ch. 715.)

PART 5. MAUSOLEUMS AND COLUMBARIUMS

(Part 5 repealed and added by Stats. 1955, Ch. 1349)

CHAPTER 1. GENERAL PROVISIONS

(Chapter 1 repealed and added by Stats. 1955, Ch. 1349)

9501. This part shall be known and may be cited as the Private and Community Mausoleum and Columbarium Law.

Short title

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

9502. The purpose of this part is to insure the durability and permanence of mausoleums and columbariums by requiring that they be constructed of such material and workmanship as determined by modern mausoleum-columbarium engineering science, the minimum requirements for which are set forth in this part.

Purpose

(Repealed and added by Stats. 1955, Ch. 1349.)

9503. Unless the provision or the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

Construction

(Repealed and added by Stats. 1955, Ch. 1349.)

9504. "Mausoleum" includes any building or structure, used or intended to be used, for the interment of uncremated human remains.

"Mauso-
leum"

(Added by Stats. 1955, Ch. 1349.)

9505. "Companion crypts" or "nest of crypts" means two or more crypts entered through a single crypt opening.

"Companion
crypts"

(Added by Stats. 1955, Ch. 1349.)

9506. "Columbarium" includes any building or structure, used or intended to be used, for the interment of cremated human remains.

"Columba-
rium"

(Added by Stats. 1955, Ch. 1349.)

- "Uniform Building Code" 9507. "Uniform Building Code" means the 1955 edition of The Uniform Building Code adopted and published by the Pacific Coast Building Officials Conference.
(Added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 1635.)
- "Uniform Plumbing Code" 9508. "The Uniform Plumbing Code" means the 1955 edition of The Plumbing Code adopted and published by the Western Plumbing Officials Association.
(Added by Stats. 1955, Ch. 1349.)
- "National Electrical Code" 9509. "National Electrical Code" means the 1956 edition of the National Electrical Code adopted and published by the Board of Fire Underwriters of the Pacific.
(Added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 1635.)
- "Incombustible material" 9510. "Incombustible Material" means and includes any material having an ignition temperature higher than 1,000 degrees Fahrenheit.
(Added by Stats. 1955, Ch. 1349.)
- "Type I construction" 9511. "Type I Construction" includes the type of construction designated and specified as Type I Building Construction in the Uniform Building Code.
(Added by Stats. 1955, Ch. 1349.)
- "Private mausoleum or columbarium" 9511.1. "Private mausoleum or columbarium" shall be any structure constructed for use by the members of any one family, and not for the sale of space therein to any other person, and a private mausoleum shall not contain crypts for the interment of more than fifteen (15) uncremated human remains, and a columbarium, niches for the interment of not more than thirty (30) cremated human remains. A community mausoleum or columbarium shall be any other mausoleum or columbarium.
(Added by Stats. 1957, Ch. 796.)
- Applicability of provisions 9512. The provisions of this part shall not apply to any structure or building used or intended to be used for the interment of human remains all portions of which are below the ground.
(Added by Stats. 1955, Ch. 1349.)

CHAPTER 2. ENFORCEMENT

(Chapter 2 repealed and added by Stats. 1955, Ch. 1349)

- City building department 9525. The building department of every city or city and county shall enforce the provisions of this part within such city or city and county. "Building department" or "department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction or alteration of buildings.
(Repealed and added by Stats. 1955, Ch. 1349.)
- County department, etc. 9526. The department, officer or officers of a county who are charged with the enforcement of laws or ordinances regulating the erection, construction or alteration of buildings, shall

enforce the provisions of this part within such county but outside the territorial limits of any city.

(Repealed and added by Stats. 1955, Ch. 1349.)

9527. Any city or county may, by ordinance, designate any department or officer to enforce any portion of this part.

Designation
of enforce-
ment officer

(Repealed and added by Stats. 1955, Ch. 1349.)

9528. In any city where there is no department or officer charged with or designated for the enforcement of this part, the appropriate department, officer or officers of the county in which such city is located shall enforce this part.

Enforce-
ment by
other officers

In any county where there is no department or officer charged with or designated for the enforcement of this part, this part shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

(Repealed and added by Stats. 1955, Ch. 1349.)

CHAPTER 3. PERMITS AND PLANS

(Chapter 3 repealed and added by Stats. 1955, Ch. 1349)

Article 1. General Provisions

(Article 1 repealed and added by Stats. 1955, Ch. 1349)

9550. It is unlawful for any person to construct, or cause or permit to be constructed upon any property belonging to or controlled by him, any mausoleum or columbarium, or to make any alterations or changes or do any reconstruction work upon, in or to any building or structure for use as a mausoleum or columbarium without first having applied for and procured a separate building permit for each such mausoleum, columbarium, building or structure, or alteration, from the department or official charged with the enforcement of this part.

Building
permit

(Repealed and added by Stats. 1955, Ch. 1349.)

9551. (Repealed by Stats. 1955, Ch. 1349.)

Article 2. Application, Permit and Certificate of Occupancy

(Article 2 repealed and added by Stats. 1955, Ch. 1349)

9560. A person desiring a permit shall file a written application with the department or official charged with the enforcement of this part on forms furnished by it. The application shall:

Application

(a) Show in detail the proposed erection, construction, reconstruction, or alteration.

(b) State the name and address of the owner.

(c) State the name and address of the architect, structural engineer, or contractor, if any.

(d) State that the plans and specifications are true and contain a correct description of the proposed work.

(e) Give any other data or information required by the department.

(Repealed and added by Stats. 1955, Ch. 1349.)

Plans and
specifications

9561. The application shall be accompanied by:

(a) Two full, true and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction, or alteration.

(b) Two sets of specifications describing the proposed work.

(c) The plans of the lot or land on which the building is proposed to be erected, reconstructed, or altered.

Approval

(d) The written approval of the plans and specifications and consent to the proposed erection, construction, reconstruction, or alteration, executed by the cemetery authority owning or operating the cemetery in which the work is to be performed.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)

Issuance of
permit

9562. The department shall cause all plans, specifications, and statements to be examined, and, if they conform to the provisions of this part, shall issue a permit.

(Repealed and added by Stats. 1955, Ch. 1349.)

Change in
plans

9563. The department may, from time to time, approve changes in any plans, specifications, or statements, previously approved if the changes are in conformity with the provisions of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

Effect of
issuance

9564. The issuance or granting of a permit or approval is not a permit or approval of a violation of any provision of this part.

(Repealed and added by Stats. 1955, Ch. 1349.)

Keeping
plans on
premises

9565. A true copy of the plans, specifications, and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written on the copy, and signed by the officer or officers authorizing the permit, shall be kept upon the premises of the building for which the permit is issued from the commencement of the work until final completion and acceptance, and shall be subject to inspection at all times by proper authorities.

(Added by Stats. 1955, Ch. 1349.)

Article 3. Cancellation of Permit

(Article 3 repealed and added by Stats. 1955, Ch. 1349)

Cancellation

9575. In the case of any refusal, or neglect of the person to whom a permit or approval has been issued to comply with all of the provisions of this part, or in case any false statement or misrepresentation is made in any of the plans, specifications or statements submitted or filed for the permit or approval, the department shall revoke or cancel any permit or approval it has previously issued.

(Repealed and added by Stats. 1955, Ch. 1349.)

Article 4. Expiration of Permit

(Article 4 repealed and added by Stats. 1955, Ch. 1349)

9580. Every permit or approval under which no work is Expiration
done within 90 days from the date of issuance in the case of a
community mausoleum or columbarium and within one year
in the case of a private mausoleum or columbarium expires
by limitation and a new permit shall be obtained before the
work may proceed.

(Repealed and added by Stats. 1955, Ch. 1349; amended by
Stats. 1957, Ch. 796.)

9581. (Repealed by Stats. 1955, Ch. 1349.)

CHAPTER 4. INSPECTION AND APPROVAL

(Chapter 4 repealed and added by Stats. 1955, Ch. 1349)

9590. When the work is completed in accordance with Notification
plans, specifications, and statements previously made and upon
which the permit or approval was issued, the owner or con-
tractor shall notify the department.

(Repealed and added by Stats. 1955, Ch. 1349.)

9591. The department shall inspect or cause the work to Inspection
be inspected, and shall issue a certificate of occupancy if the
work has been performed in accordance with the approved
plans, specifications, and statements, and in conformity with
the provisions of this part; and if not, it shall refuse to issue
the certificate.

(Repealed and added by Stats. 1955, Ch. 1349.)

9592. When it is found that the building or structure is Certificate
structurally complete, upon request, a temporary certificate of
occupancy shall be issued by the department for the use of a
portion or portions of a mausoleum or columbarium for inter-
ment of human remains prior to the completion of the entire
building or structure.

(Added by Stats. 1955, Ch. 1349.)

CHAPTER 5. CONSTRUCTION

(Chapter 5 repealed and added by Stats. 1955, Ch. 1349)

Article 1. General Provisions

(Article 1 repealed and added by Stats. 1955, Ch. 1349)

9600. No mausoleum or columbarium shall be constructed Additions
and
alterations
and no existing building or structure shall be altered for use
as a mausoleum or columbarium unless the entire building or
structure, including any portion to be used for any other pur-
pose, is in conformity with the minimum requirements set forth
in this chapter. Any addition to or alteration of any existing
mausoleum or columbarium shall conform to the minimum re-
quirements set forth in this chapter.

(Repealed and added by Stats. 1955, Ch. 1349.)

- Construction code conformity 9601. All mausoleums or columbariums shall be of Type I Construction as specified in the Uniform Building Code, except as otherwise provided in this chapter.
(Repealed and added by Stats. 1955, Ch. 1349.)
- Plumbing code conformity 9602. Plumbing in all mausoleums or columbariums shall conform to the provisions of the Uniform Plumbing Code.
(Repealed and added by Stats. 1955, Ch. 1349.)
- Electrical code conformity 9603. Electrical work in all mausoleums or columbariums shall conform to the provisions of the National Electrical Code.
(Repealed and added by Stats. 1955, Ch. 1349.)
9604. (Repealed by Stats. 1955, Ch. 1349.)
9605. (Repealed by Stats. 1955, Ch. 1349.)

Article 2. Structural and Material Requirements of Community Mausoleums and Columbariums

(Article 2 repealed and added by Stats. 1955, Ch. 1349;
heading amended by Stats. 1957, Ch. 796)

- Earthquake protection 9625. Every community mausoleum or columbarium shall be designed and constructed to resist stresses produced by lateral forces as provided in the earthquake regulations set forth in the appendix to the Uniform Building Code.
(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)
- Fireproof construction 9626. Except as otherwise provided in this chapter, all materials used in the construction, ornamentation or embellishment of community mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings.
(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 796.)
- Structural frame work 9627. All structural frame work shall be of poured-in-place reinforced concrete or of structural steel sections encased in poured-in-place concrete; provided, however, all footings, bearing walls, floor slabs and roofs shall be of poured-in-place reinforced concrete only. All structural frame work shall be designed and constructed in accordance with the Uniform Building Code.
(Repealed and added by Stats. 1955, Ch. 1349, and by Stats. 1957, Ch. 1635.)
- Floor load 9628. All floors shall be designed and constructed for a live load of not less than 100 pounds per square foot.
(Repealed and added by Stats. 1955, Ch. 1349.)
- Footing load 9629. The total load on any footing shall not exceed the safe soil bearing value as determined by a loading test. Footings shall be designed for total loads, but relative sizes of footings shall be governed by the dead load only, with a proper reduction of the allowable soil bearing value.
(Repealed and added by Stats. 1955, Ch. 1349.)

9630. Floor slabs placed on earth shall be constructed in the following manner: Floor slabs

First: Place a subslab of concrete two inches thick.

Second: Place two layers of fifteen pound waterproofing felt sealed tightly to subslab and to each other with waterproofing asphalt; felt to be turned up one inch on walls and be asbestile type sealed around perimeter of walls.

Third: Completely coat felt with waterproofing asphalt and dry dust with cement.

Fourth: Install poured-in-place reinforced concrete floor slab.

(Repealed and added by Stats. 1955, Ch. 1349.)

9631. Where any wall is constructed against a bank of earth, rock or other porous material, or where crypts are adjacent to an outside building wall below grade, the wall shall be thoroughly primed and waterproofed with membrane waterproofing in the following manner: Walls

First: The wall shall be given a thorough waterproof priming. Then waterproofing felt shall be applied vertically mopping both wall and back of felt with hot waterproofing asphalt. While asphalt is in adhesive condition, felt shall be applied to wall, nailing along top of sheet with nails and metal caps.

Second: Waterproofing fabric shall be then applied vertically, mopping waterproofing felt and back-mopping fabric. Then apply fabric and press firmly to undersheet.

Third: Apply waterproofing felt over fabric vertically mopping as called for in second application, and thoroughly nail with nails and caps along top edge of waterproofing.

Fourth: Then mastic around nails and thoroughly mop entire surface with hot waterproofing asphalt.

Fifth: Apply an asbestile type flashing at top edge securely sealing edge to wall.

Sixth: Before making fill against waterproofing, protect waterproofing by covering same with pressed board or other suitable material.

(Repealed and added by Stats. 1955, Ch. 1349.)

9632. Except as provided in Section 9633, all crypt walls and crypt floor slabs shall be constructed of poured-in-place, reinforced concrete; crypt walls shall be not less than four inches in thickness and crypt floor slabs shall be not less than three inches in thickness. Crypt walls and floor slabs

(Repealed and added by Stats. 1955, Ch. 1349.)

9633. Horizontal and vertical partitions separating crypts comprising companion crypts or a nest of crypts entered through a single crypt opening may be constructed of pre-cast reinforced concrete; provided, the horizontal partitions are not less than one and one-half inches in thickness and the vertical nonbearing partitions are not less than one inch in thickness, and vertical partitions bearing any load are not less than Partitions

three inches in thickness, and provided the crypt walls enclosing the nest of crypts are constructed as required in Section 9632.

(Repealed and added by Stats. 1955, Ch. 1349.)

Crypt load

9634. Each crypt, including each crypt in a companion crypt or in a nest of crypts referred to in Section 9633, shall be designed for a total live load of 600 pounds.

(Repealed and added by Stats. 1955, Ch. 1349.)

Crypt seal slabs

9635. All crypt seal slabs shall be of precast concrete, not less than $1\frac{1}{2}$ inches thick, or of asbestos concrete (transite) not less than one-half inch thick. All slabs shall be securely set in cement mortar for permanent sealing after interment is made in the crypt. Seal slabs shall be set independent of crypt fronts.

(Repealed and added by Stats. 1955, Ch. 1349; amended by Stats. 1957, Ch. 1635.)

Marble floors

9636. All marble floors shall be constructed on a sand bed with nonstaining cement, and hydrament, or an approved equal additive, shall be used to prevent effervescence.

(Repealed and added by Stats. 1955, Ch. 1349.)

Veneers

9637. All interior or exterior veneers shall be of stone, cast stone, granite or marble. Cast stone shall meet all requirements for cast stone set forth in the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

Exterior trim, etc.

9638. Marble for exterior trim, exterior crypt and niche fronts, and exterior veneer, shall be travertine, serpentine marble or Grade A exterior type marble, only.

(Repealed and added by Stats. 1955, Ch. 1349.)

Joints

9639. Joints shall be of uniform thickness and when mortar is used it shall be raked out as work progresses and on completion of installation joints shall be brushed, thoroughly cleaned, wet and carefully filled and pointed.

(Repealed and added by Stats. 1955, Ch. 1349.)

Grout

9640. Grout used for joints and pointing shall conform with the requirements of the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

Masonry veneer

9641. Masonry veneer shall be attached to the supporting wall in accordance with the requirements of the Uniform Building Code.

(Repealed and added by Stats. 1955, Ch. 1349.)

Vertical work

9642. All base, architraves, wainscoting and all other vertical work other than crypt fronts shall be securely anchored in place with rods, clips, or other suitable anchoring devices of materials as specified in Section 9643. All clips shall be countersunk into the joint surface and set in non-staining cement.

(Repealed and added by Stats. 1955, Ch. 1349.)

Fastenings

9643. All interior and exterior fastenings for hangers, clips, doors, and other objects shall be of copper base alloy, aluminum, copper or stainless steel of adequate gauges.

(Repealed and added by Stats. 1955, Ch. 1349.)

9644. All exterior metals used for doors, window frames, skylights, gutters, downspouts, flashings or embellishment shall be of copper, copper base alloy, aluminum, lead, or stainless steel of gauges structurally determined. Exterior metals

(Repealed and added by Stats. 1955, Ch. 1349.)

9645. In the event that during a national emergency, as proclaimed by the Governor for purposes of this section, none of the metals listed in Sections 9643 and 9644 are obtainable, the department may permit the use of galvanized iron or other durable metals. Exceptions

(Repealed and added by Stats. 1955, Ch. 1349.)

9646. Roofs shall be constructed of poured-in-place reinforced concrete, and any roof covering shall be "Fire Retardent" in conformity with the requirements of Type I construction. Roofs

(Repealed and added by Stats. 1955, Ch. 1349.)

9647. All skylight frames shall have all joints riveted and soldered and all glass in skylights shall be wire glass not less than one-fourth inch in thickness. Skylights

(Repealed and added by Stats. 1955, Ch. 1349.)

9648. (Repealed by Stats. 1955, Ch. 1349.)

9649. (Repealed by Stats. 1955, Ch. 1349.)

9650. (Repealed by Stats. 1955, Ch. 1349.)

9651. (Repealed by Stats. 1955, Ch. 1349.)

9652. (Repealed by Stats. 1955, Ch. 1349.)

9653. (Repealed by Stats. 1955, Ch. 1349.)

9654. (Repealed by Stats. 1955, Ch. 1349.)

9655. (Repealed by Stats. 1955, Ch. 1349.)

9656. (Repealed by Stats. 1955, Ch. 1349.)

9657. (Repealed by Stats. 1955, Ch. 1349.)

Article 3. Structural and Material Requirements of Private Mausoleums and Columbariums (Article 3 added by Stats. 1957, Ch. 796)

9650. Every private mausoleum or columbarium shall be designed and constructed to resist stresses produced by lateral forces as provided in the earthquake regulations set forth in the appendix to the Uniform Building Code. Earthquake protection

(Added by Stats. 1957, Ch. 796.)

9651. Except as otherwise provided in this chapter, all materials used in the construction, ornamentation or embellishment of private mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings. Fireproof construction

(Added by Stats. 1957, Ch. 796.)

9652. All private mausoleums or columbariums may be constructed as a veneer type or as a solid type as hereinafter set forth. Veneer or solid type construction

(Added by Stats. 1957, Ch. 796.)

Veneer type 9653. Veneer type construction of a private mausoleum or columbarium is construction in which all fittings, bearing walls, beams, columns, floor slabs and other structural members are of poured-in-place reinforced concrete designed and constructed in accordance with the Uniform Building Code, and with all minimum structural and material requirements set forth in Article 2 of this chapter.

(Added by Stats. 1957, Ch. 796.)

Solid type 9654. Solid type construction is construction in which all bearing walls, beams, columns, floor slabs and roof consist of marble or granite blocks, in solid form, doweled with noncorrosive metal dowels as hereinafter described. The foundations shall be of poured-in-place concrete designed and constructed in conformity with the Uniform Building Code. All bearing walls, beams, columns, floor slabs and roof shall be constructed in conformity with the requirements set forth in the Uniform Building Code, except as otherwise provided in this section. Structural members shall be not less than six (6) inches thick, if of granite construction, and eight (8) inches thick, if of marble construction. Each structural part shall be properly doweled and anchored to each other structural part. All vertical joints shall be pinned a maximum of three (3) feet on centers, with pins a maximum of one and one-half ($1\frac{1}{2}$) feet from a horizontal joint, or pinned with one pin per joint section, whichever spacing is smaller. All horizontal joints shall be pinned a maximum of two (2) feet on centers, or in the case of wall slabs of width greater than two (2) feet, each slab shall be pinned to roof and floor with at least two (2) pins. No pin shall be closer than four (4) inches to the corner of a stone. Dowel pins shall be bronze, stainless steel or other noncorrosive material, at least three-fourths inch ($\frac{3}{4}$ " in diameter and six (6) inches long. Pins shall be properly grouted in one (1) inch holes drilled to a minimum depth of three (3) inches, except the foundations, where they shall be set in place when the concrete is poured. Each course shall be properly grouted solid. All joint surfaces shall be properly roughened to give the binding surfaces a roughness necessary for proper binding. At all vertical joints there shall be proper cramps at each joint line of a similar noncorrosive variety. No course shall be less than eighteen inches (18") in height, and thirty-six inches (36") in length. The roof stone shall be doweled to the side walls. All joints shall be large enough to allow for expansion and contraction, and shall be raked at least one-half inch ($\frac{1}{2}$ ") deep, unless constructed of single slabs. Where granite or marble roof is constructed of more than one piece, and pitch is three inches (3") per foot or less, up-slope pieces must overlap down-slope pieces by a minimum of eight inches (8"). For pitches of from three inches (3") to six inches (6") per foot, this minimum overlap shall be four inches (4"). For steeper slopes, this minimum overlap shall be one and one-half inches ($1\frac{1}{2}$ "). Where granite or marble roof stone is level or

nearly level, and terminated in a vertical joint on one or more sides, this vertical joint shall be protected by a superimposed cap, along whose edge a drainage trough shall be cut in the roof stone of such size and slope as to prevent moisture from entering the bed joint between roof stone and cap. All interior and exterior fastenings for hangers, clips, doors, and other objects shall be of copper base alloy, aluminum, copper or stainless steel of adequate gauges. All exterior metals used for doors, window frames, skylights, gutters, downspouts, flashings or embellishment shall be of copper, copper base alloy, aluminum, lead, or stainless steel of gauges structurally determined.

(Added by Stats. 1957, Ch. 796.)

CHAPTER 6. PENALTIES

(Chapter 6 repealed and added by Stats. 1955, Ch. 1349)

9675. Every person who violates any provision of this part Violations is guilty of a misdemeanor, punishable by fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment in a county jail not less than 10 days nor more than six months, or by both; and in addition is liable for all costs, expenses, and disbursements paid or incurred by the department or person prosecuting the case.

(Repealed and added by Stats. 1955, Ch. 1349.)

9676. Every owner or operator of a mausoleum or columbarium erected in violation of this part is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not less than one month nor more than six months, or by both; and in addition is liable for all costs, expenses and disbursements paid or incurred by the department or person prosecuting the case. Each calendar month during which such public nuisance exists constitutes a separate offense. Unlawful erection

The costs, expenses, and disbursements shall be fixed by the court having jurisdiction of the case.

(Repealed and added by Stats. 1955, Ch. 1349.)

9677. The penalties of this chapter shall not apply as to any building which, at the time of issuance of a permit for the construction thereof was in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health. Exception

(Repealed and added by Stats. 1955, Ch. 1349.)

DIVISION 9. VITAL STATISTICS

NOTE: Division 9, comprising Sections 10000 to 10679, was added by Stats. 1939, Ch. 60, as part of codification. Various sections were affected by the following chapters:

1939	1941	1943	1945	1947	1949	1951	1953	1955	1957
101	95	12	602	562	268	95	100	94	363
385	180	13	661	598	729	116	274	104	1006
540	182	196	663	1148		1636		644	1819
1120	209	999	975					1271	1930
	647	1092	1005					1402	2020

Division 9 was repealed and added by Stats. 1957, Ch. 363.

The text of Division 9, as added by Stats. 1957, Ch. 363, with amendments, is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section prior to enactment of Stats. 1957, Ch. 363.

NOTE: Stats. 1957, Ch. 363, which repealed and added Division 9, contained the following:

(Prepared pursuant to Senate Resolution 101, General Session of 1955, to revise and consolidate the public health statutes.)

SEC. 6. The provisions of the Health and Safety Code added by this act, insofar as they are substantially the same as the provisions of said code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment. No action or proceeding relating to or arising out of the provisions of said code repealed by this act commenced before the effective date of this act, and no right accrued pursuant to said provisions, are affected by the repeal of said provisions by this act, but any step thereafter taken in such action or proceeding shall conform to the provisions added to said code by this act so far as possible.

CHAPTER 1. GENERAL PROVISIONS

Registration 10000. Each live birth, fetal death, death, and marriage which occurs in the State shall be registered as provided in this division on the prescribed certificate forms.

Enforcement 10001. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.

Regulations 10002. The state department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead in matters relating to communicable diseases.

Information for local registrars 10003. The State Registrar shall inform all local registrars which diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state department, in order that when deaths occur in which such diseases are involved, proper precautions may be taken to prevent their spread.

Certificates 10004. All certificates of live birth, fetal death, death, or registry of marriage shall be written legibly, in durable black ink, and a certificate is not complete and correct that does not

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

supply all of the items of information called for, or satisfactorily account for their omission.

10005. All physicians, informants, funeral directors, clergymen, or judges and all other persons having knowledge of the facts, shall supply upon the prescribed forms such information as they may possess regarding any birth, fetal death, death, or marriage upon demand of the State or local registrar. Information by physicians, etc.

10006. No alteration or change in any respect shall be made on any certificate after its acceptance for registration by the local registrar, or on other records made in pursuance of this division, except where supplemental information required for statistical purposes is furnished. Alteration of certificates and records

10007. Every person in charge of a hospital or other institution to which persons are admitted for treatment or confinement shall make a record of the personal, medical and other information for each patient sufficient and adequate for the completion of a birth or death certificate. Institution records

10008. When objection is made by either parent to furnishing information relating to the medical and health condition of a live born child because of conflict with religion, such information shall not be required to be entered on a certificate of live birth. Objection to information on birth certificates

CHAPTER 2. ADMINISTRATION

Article 1. State Administration

10025. The Director of Public Health shall be the State Registrar of Vital Statistics. State Registrar of Vital Statistics

10026. The State Registrar is charged with the execution of the provisions of this division in this State, and has supervisory power over local registrars, so that there shall be uniform compliance with all of the requirements of this division. Supervision

10027. The State Registrar may investigate cases of irregularity or violations of provisions of this division. Investigation of violations

10028. When the State Registrar deems it necessary, he shall report cases of violation of any of the provisions of this division to the district attorney of the county where the violation occurred, with a statement of the facts and circumstances; and the district attorney shall forthwith initiate and promptly follow up with the necessary court proceedings. Reports of violations

10029. The Attorney General shall assist in the enforcement of the provisions of this division upon request of the State Registrar. Enforcement by Attorney General

10030. The State Registrar shall prescribe and furnish all record forms for use in carrying out the purposes of this division, and no record forms other than those so prescribed and furnished shall be used. Record forms

10031. The State Registrar shall prepare and issue such detailed instructions as may be required to procure the uniform Instructions

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

observance of this division and the maintenance of a satisfactory system of registration.

Registration districts

10032. The State Registrar shall establish registration districts within the State for the purposes of this division.

Conference of local registrars

10033. The State Registrar of Vital Statistics may call into conference the local registrars or their chief deputies, in such groups and at such place or places within the State as may be designated by him, to meet with him or his duly authorized representatives, for the purpose of discussing problems dealing with registration of births, fetal deaths, deaths, and marriages, in order to promote uniformity of policy and procedure throughout the State in matters pertaining to vital registration; provided further, that the actual and necessary expenses incident to attendance at not more than one such meeting per year shall with the prior approval of the local legislative body be a legal charge against the local governmental unit.

Certificates: Examination

10034. The State Registrar shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory shall require such further information as may be necessary to make the record complete and satisfactory.

Same: Preservation

10035. The State Registrar shall arrange and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all certificates registered.

Destruction of original records

10036. Notwithstanding any other provisions of law relating to retention of public records, the State Registrar may cause the original records of birth, death and marriage filed under the provisions of this division to be destroyed if all of the following requirements are met:

Microfilm copies

(a) A microfilm copy of such birth, death and marriage records has been made.

(b) Fifteen years shall have elapsed since the date of registration of such birth records and five years shall have elapsed since the date of registration of such death and marriage records.

(c) Any microfilm so used meets the minimum standards recommended by the National Bureau of Standards for permanent record purposes.

(d) Adequate provisions are made that the film reflect additions or corrections to the records.

(e) A copy of the microfilm is maintained in such a manner that it can be used for all purposes served by the original record.

(f) A copy of the microfilm has been stored at a separate physical location in such a place and manner as reasonably to assure its preservation indefinitely against loss or destruction.

(Added by Stats. 1957, Ch. 2020; amended by Stats. 1959, Ch. 538.)

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10037. Any certified photographic reproduction of any record microfilmed under the provisions of this chapter shall be deemed to be a certification of the original record.

(Added by Stats. 1957, Ch. 2020.)

Certified
photographic
reproduction

Article 2. Local Administration

10050. The health officer of any approved local health department, as defined in Division 1, Part 2, Chapter 8 of this code and approved thereunder, is the local registrar in and for all registration districts within that health jurisdiction and shall perform all the duties of local registrar of births and deaths.

Local
registrars:
Health
officers

10051. In other areas, the State Registrar shall appoint a local registrar of births and deaths for each registration district, whose term of office shall be four years. The State Registrar may remove such appointee forthwith for failure or neglect to perform his duty.

State
appointees

10052. The county recorder is the local registrar of marriages and shall perform all the duties of the local registrar of marriages.

County
recorders

10053. Each assistant or deputy of a local registrar may perform all of the duties of the local registrar in the name and place of his principal.

Assistant's
or deputies

10054. Each local registrar is hereby charged with the enforcement of the provisions of this division in his registration district under the supervision and direction of the State Registrar and shall make an immediate report to the State Registrar of any violation of this law coming to his knowledge.

Enforcement

10055. Each local registrar shall supply blank forms to such persons as require them.

Forms

10056. The local registrar shall carefully examine each certificate before acceptance for registration and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory before acceptance for registration.

Certificates:
Examination

10057. The local registrar shall affix his signature to each certificate in attest to the date of acceptance for registration in his office.

Signature

10058. The local registrar shall number the certificates of live birth, fetal death, death and marriage consecutively in separate series, beginning with number one for the first event in each calendar year.

Numbering

10059. The local registrar shall make a complete and accurate copy of each certificate accepted for registration and shall preserve it in his office as the local registrar's copy of the record in the manner directed by the State Registrar.

Copies:
Preservation

10060. Each local registrar of births and deaths, except a local registrar of a city and county and the local registrars of cities of over 1,000,000 population, shall transmit to the

Transmittal
to county
recorder

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

county recorder for a special county record at the same time the original certificates are forwarded to the State Registrar a copy of each original birth certificate, which shall exclude the medical and health section data, and a full copy of each original death certificate.

(Added by Stats. 1957, Ch. 363; amended by Stats. 1957, Ch. 1006.)

Central
Records
Depository

10060.5. Any local registrar serving a county-wide health jurisdiction of over 550,000 population, as determined by the official 1950 census, and in whose office is maintained a central depository of birth and death records, is excepted from the provisions of Section 10060 of this code.

(Added by Stats. 1957, Ch. 1930.)

Transmittal
of original
certificates

10061. The local registrar of births and deaths shall transmit each week to the State Registrar all original certificates accepted for registration by him during the preceding week.

Same

10062. The local registrar of marriages shall transmit to the State Registrar on or before the fifth day of each month all original certificates of registry of marriage accepted for registration by him during the preceding month. Certificates may be transmitted at more frequent intervals by arrangement with the State Registrar.

Notification
re deceased
adults

10063. The local registrar of births and deaths shall furnish to the registrar of voters or county clerk not later than the fifteenth day of each month a notification of all deceased persons 21 years of age and over whose death was registered with him during the preceding month. This notification shall include at least the name, sex, age, birthplace, place of residence, date and place of death for each such decedent.

Disposition
of local
records

10064. The local registrar of births and deaths, after five years from the date of registration and with the approval and under the supervision of the State Registrar, may dispose of the local registrar's copies of the records; provided, that the original copies of such records are determined to be on file in the office of the State Registrar; and provided further, that copies of such records are determined to be on file in the office of the county recorder. If the county recorder does not have copies of such records, he is hereby authorized to accept such local registrar's copies as a special county record of the events.

Births and
deaths filed
before July
1, 1905

10065. The county recorder is hereby authorized to receive original records or abstracts of records of any birth or death which were filed with any political subdivision prior to July 1, 1905, and to retain them as a special county record of the events.

Public
inspection

10066. Special county records of birth certificates and death certificates transmitted and filed with the county recorder under the provisions of this chapter shall be open for inspection by the public in accordance with rules and regula-

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

tions adopted by the State Department of Public Health for local registrars.

(Added by Stats. 1957, Ch. 1006.)

10067. The county recorder, with the approval and under the supervision of the State Registrar, may dispose of the special county records of births and deaths for events which occurred subsequent to July 1, 1905, on file in the office of the county recorder providing (a) that the original records are determined to be on file in the Office of the State Registrar; (b) copies of these records are determined to be on file in the office of the local registrar; (c) the local registrar maintains a central depository of birth and death records; and (d) the optional plan provided under Sections 10060 or 10060.5 for the elimination of duplicate records has been adopted.

If the local registrar does not have copies of such records, he is hereby authorized to accept them from the county recorder.

(Added by Stats. 1957, Ch. 1930.)

CHAPTER 3. LIVE BIRTH REGISTRATION

Article 1. Duty of Registering Live Birth

10100. Each live birth shall be registered with the local registrar of births and deaths for the district in which the birth occurred within four days following the event.

10101. For live births which occur in a hospital, the physician in attendance upon the birth shall be responsible for registering the certificate with the local registrar.

10102. For live births which occur outside of a hospital, the physician in attendance at the birth; or in the absence of a physician, either one of the parents shall be responsible for entering the information on the certificate, securing the required signatures, and for registering the certificate with the local registrar.

Article 2. Content of Certificate of Live Birth

10125. The certificate of live birth shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the birth and the second section shall contain those items relating to medical and health data. The first section shall contain the following and such other items as the State Registrar may designate:

- (a) Full name and sex of child;
- (b) Date of birth, including month, day and year;
- (c) Place of birth;
- (d) Full name of father, birthplace of father, and color or race of father;
- (e) Full maiden name of mother, birthplace of mother, color or race of mother;

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

- (f) Multiple births and birth order of multiple births;
- (g) Signature and certification of attendant; and
- (h) Date accepted for registration and signature of local registrar.

Second sec-
tion

The second section shall contain such medical and health items as the State Registrar may designate.

10126. (Repealed by Stats. 1959, Ch. 944.)

Article 3. Foundling Registration

Certificate of
finding:
Registration

10150. A certificate of finding of an unidentified live child of less than one year of age shall be registered with the local registrar of births and deaths by the person or institution with whom the child is placed, within four days following the finding.

Contents

10151. The certificate shall include the name, sex, color or race, the date and place of finding, and the name of the person or institution with whom the child is placed.

Name,
place and
date of
birth

10152. The person or institution with whom the child is placed shall give the child a name; the place in which the child is found shall be known as the legal place of birth; and the date of birth shall be determined as closely as possible and shall be known as the legal date of birth.

Handling of
certificate

10153. The certificate of finding shall be handled in the same manner and shall serve all the purposes of a certificate of live birth.

Identification
of child

10154. If the child is later identified and a certificate of birth found or obtained, the fact shall be reported to the State Registrar and he shall enter this upon the certificate of finding, with citation to the certificate of birth.

CHAPTER 4. FETAL DEATH REGISTRATION

Article 1. Duty of Registering Fetal Death

Time

10175. Each fetal death in which the fetus has advanced to or beyond the twentieth week of uterogestation shall be registered with the local registrar of births and deaths of the district in which the fetal death was officially pronounced within five days following the event and prior to any disposition of the fetus.

Duties of
funeral
director

10176. A funeral director, or if there is no funeral director, the person acting in lieu thereof, shall prepare the certificate and register it with the local registrar.

Same

10177. He shall obtain the required information other than medical and health section data from the person or source best qualified to supply this information.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

Article 2. Responsibility of Attending Physician

10180. The physician, if any, in attendance on the delivery of a fetus shall within 15 hours after the delivery state on the certificate of fetal death the time of fetal death or delivery, the direct causes of the fetal death, the conditions, if any, which gave rise to these causes, and such other medical and health section data as may be required on the certificate, and shall sign the certificate in attest to these facts.

Statement
on death
certificate

The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

Deposit or
delivery of
certificate

Article 3. Responsibility of Coroner

10185. All other fetal deaths required to be registered under this chapter shall be handled as are deaths without medical attendance.

Where no
attending
physician

10186. The coroner shall within three days after examination of the fetus state on the certificate of fetal death the time of fetal death, the direct causes of the fetal death, the conditions, if any, which gave rise to these causes, and such other medical and health section data as may be required on the certificate, and shall sign the certificate in attest to these facts. The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

Statement
on death
certificate

Delivery of
certificate

Article 4. Content of Certificate of Fetal Death

10190. The certificate of fetal death shall contain such items as may be designated by the State Registrar and shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the fetal death and the second section shall contain those items relating to medical and health data.

Contents:

First section

Second
section

CHAPTER 5. DEATH REGISTRATION

Article 1. Duty of Registering Death

10200. Each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within five days after death and prior to any disposition of the human remains.

Time

10201. A funeral director, or person acting in lieu thereof, shall prepare the certificate and register it with the local registrar.

Certificate:
Preparation,
etc.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

Information 10202. The funeral director shall obtain the required information other than medical and health section data from the person or source best qualified to supply this information.

Attestation by physician or coroner 10203. The medical and health section data and the time of death shall be completed and attested to by the physician last in attendance; provided, such physician is legally authorized to certify and attest to these facts, or by the coroner in those cases in which he is required to complete the medical and health section data and certify and attest to these facts.

Completion and delivery 10204. The medical and health section data and the physician's or coroner's certification shall be completed by the attending physician within 15 hours after the death, or by the coroner within three days after examination of the body.

The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

Embalmer's signature 10205. An embalmer may authorize his signature to be affixed to the certificate after he has embalmed a body, as required by this chapter, by a written special power of attorney which shall be retained for a period of one year.

Article 2. Responsibility of Attending Physician

Statement on death certificate 10225. The physician last in attendance on a deceased person shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and such other medical and health section data as may be required on the certificate; he shall also specify the time in attendance, the time he last saw the deceased person alive, and the hour and day on which death occurred, except in deaths required to be investigated by the coroner.

Article 3. Responsibility of Coroner

Notification 10250. A physician, funeral director, or other person shall immediately notify the coroner when he has knowledge of a death which occurred or has charge of a body in which death occurred:

- (a) Without medical attendance;
- (b) During the continued absence of the attending physician;
- (c) Where the attending physician is unable to state the cause of death;
- (d) Where suicide is suspected;
- (e) Following an injury or an accident; or
- (f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10251. The coroner whose duty it is to investigate such deaths shall ascertain as many as possible of the facts required by this chapter. Investigation

10252. The coroner shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and such other medical and health section data as may be required on the certificate, and the hour and day on which death occurred. Statement on death certificate

The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director. Delivery of certificate

Article 4. Content of Certificate of Death

10275. The certificate of death shall be divided into two sections. The first section shall contain those items necessary to establish the fact of the death, including the following and such other items as the State Registrar may designate: First section

(a) Personal data concerning decedent including full name, sex, color or race, marital status, name of spouse, date of birth and age at death, birthplace, usual residence, and occupation and industry or business;

(b) Date of death, including month, day, and year;

(c) Place of death;

(d) Full name of father and birthplace of father, and full maiden name of mother and birthplace of mother;

(e) Informant;

(f) Disposition of body information including signature and license number of embalmer if body embalmed or name of embalmer if affixed by attorney-in-fact; name of funeral director, or person acting as such; and date and place of interment or removal;

(g) Certification and signature of attending physician or certification and signature of coroner when required to act by law; and

(h) Date accepted for registration and signature of local registrar.

The second section shall contain those items relating to medical and health data, including the following and such other items as the State Registrar may designate: Second section

(a) Disease or conditions leading directly to death and antecedent causes;

(b) Operations and major findings thereof; and

(c) Accident and injury information.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

CHAPTER 6. MARRIAGE REGISTRATION

Article 1. General Provisions

Forms

10300. The forms for the application for license to marry, the certificate of registry of marriage including the license to marry, and the marriage certificate shall be prescribed by the State Registrar.

Article 2. Duty of Registering

Time

10325. Each marriage which is performed shall be registered by the person performing the ceremony within four days after the ceremony with the local registrar of marriages for the county in which the marriage license was issued.

Article 3. Content of Certificate of Registry of Marriage

Contents:
First section

10350. The certificate of registry of marriage shall contain as nearly as can be ascertained the following and such other items as the State Registrar may designate: The first section shall include the personal data of parties married, including the race or color, date of birth, full name, birthplace, residence, names and birthplaces of the parents, maiden name of the mothers, the number of previous marriages, marital status, and the maiden name of the female if previously married; the second section shall include the signatures of parties married, license to marry, county and date of issue of license, and the marriage license number; and the third section shall include the certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest, minister or clergyman, and the signature and address of one or more witnesses to the marriage ceremony. The person performing the marriage ceremony shall also type or print his name and address on the certificate.

Second
sectionThird
section

(Amended by Stats. 1959, Ch. 1757.)

CHAPTER 7. PERMITS FOR DISPOSITION OF
HUMAN REMAINSDeath
certificate

10375. No person shall inter in any cemetery any human body unless (a) there has been obtained and filed with the local registrar of the city or county where death occurred, a death certificate, and (b) there has been obtained from the local registrar a permit for disposition.

Disposition
permit:

10376. If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition, which in all cases shall specify the name of a cemetery where the remains shall be interred, except that in case the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

the disposition of the body shall be issued by the local registrar, except under such conditions as may be prescribed by the state department and local health officers.

10377. The body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be temporarily held pending disposition more than five days after death, unless a permit for disposition is issued by the local registrar of the registration district in which the death occurred or the body was found.

Temporary holding of body

10378. The permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment.

Delivery

10379. The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment or cremation, and within 10 days, return the permit so endorsed to the local registrar of the district in which the interment took place.

Signature, etc.

10380. When human remains are transported from outside the State into a registration district in California for interment, the permit for disposition, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the human remains have been transported, as a basis upon which he shall issue a local permit, noting upon the face of the permit the fact that human remains were shipped in for interment and the place of death.

Transportation of remains from outside state

10381. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment.

Removal of body from registration district

10382. A permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment and shall be issued in duplicate. Further permit for interment shall not be required, but any local interment fees required by law or ordinance shall be paid.

Validity of permit

10383. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such

Interment in cemetery in two districts

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

interment is made shall forthwith file such permit on presentation without charge.

Disinterment, etc.

10384. Permits for the disinterment or removal of interred remains shall be required, as specified in Part 2 of Division 7 of this code.

CHAPTER 8. AMENDMENT OF RECORDS

Article 1. Amendment of a Record of Birth, Death or Marriage

Affidavit

10400. Whenever the facts are not correctly stated in any certificate of birth, death, fetal death, or marriage already registered, the person asserting that the error exists may make an affidavit under oath stating the changes necessary to make the record correct, which shall be supported by the affidavit of one other credible person having knowledge of the facts, and file it with the state or local registrar.

Review

10401. If the amendment relates to a certificate which has not been transmitted to the State Registrar, the local registrar shall review the amendment for acceptance for filing, and if accepted shall file the amendment and shall note the fact of the amendment, with its date, on the otherwise unaltered original certificate.

Same

10402. If the amendment relates to a certificate which has been transmitted to the State Registrar, the amendment shall be transmitted to the State Registrar who shall review it for acceptance for filing.

Transmittal of copies

10403. If the amendment is accepted, the State Registrar shall transmit copies of the amendment to the local registrar and county recorder in whose offices copies of the original record and information are on file.

Filing

10404. The amendment shall be filed with and become a part of the record to which it pertains.

Article 2. Amendment of a Death Record of a Previously Unidentified Body

Registration

10410. The coroner having jurisdiction shall register with the local registrar of births and deaths a certificate of death giving the name of the person and all statistical particulars which have been discovered concerning him, in the case of the identification of a person previously unidentified at the time of the original registration of the death.

Handling

10411. This amendment to the record shall be handled in the manner prescribed in Article 1 of this chapter.

Article 3. Supplemental Name Reports

Delivery to parents

10420. When any certificate of birth of a living child is registered without the name of the child being entered thereon, the local registrar shall make out and deliver to the parents

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

of the child a special blank for a supplemental report of the name of the child.

10421. The parents shall complete the report and return it to the local registrar as soon as the child is named. Completion

10422. This amendment to the record shall be handled in the manner prescribed in Article 1 of this chapter. Handling

**Article 4. Amendment of Birth Record
After Adoption**

10430. The clerk of the court shall complete a report upon a form provided for that purpose and forward the report to the State Registrar within five days after a decree of adoption has been entered declaring a child legally adopted by any court in the State. Court reports:
California

10431. The court reports of adoption which are received by the State Registrar for births which occurred in another state, the District of Columbia, in any territory of the United States, or Canada shall be transmitted to the registration authority of the place of birth. Other states

10432. A new birth certificate shall be established by the State Registrar upon receipt of a report of adoption from any court of record which has jurisdiction of the child of this State, another state, the District of Columbia, or in any territory of the United States, for any child born in California and whose certificate of birth is on file in the Office of the State Registrar. New birth certificate:
Establishment

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his foster parents, the date and place of birth, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents. Contents

10434. The new birth certificate shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection. Supplanting of prior certificate

10435. When a new birth certificate is established under the provisions of this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward such copies to the State Registrar for filing with the original certificate, if it is practical for him to do so. If it is impractical for him to forward the copy to the State Registrar, he shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be available only as provided in this article. Copies of original certificate

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000). Availability of information

Court order
delayed birth
registration

10436. For court reports of adoptions received from any court of record of this State, another state, the District of Columbia, or in any territory of the United States, which has jurisdiction of a child born in this State and for whom no original record of birth is on file in the Office of the State Registrar the court report of adoption shall constitute a court order delayed birth registration; provided, the court report contains a statement of the date and place of birth.

Same

10437. A court report of adoption received from any court of record in this State, wherein the birth occurred outside the United States, the Territories of the United States, or Canada shall constitute a court order delayed registration of birth; provided, the court report contains a statement of the date and place of birth.

Filing

10438. The court report of adoption shall be filed with the original record of birth, which shall remain as a part of the records of the State Registrar.

Availability
of informa-
tion

10439. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of a court of record.

Article 5. Amendment of Birth Record After Legitimation

Affidavit re
legitimation

10440. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of that fact may be filed by his parents with the State Registrar upon a form provided for that purpose.

New birth
certificate:
Establish-
ment

10441. A new birth certificate shall be established by the State Registrar upon receipt of such an affidavit for any child born in this State and whose certificate of birth is on file in the Office of the State Registrar.

Contents

10442. This new birth certificate shall bear the name of the child as shown in the affidavit, name and ages of his parents, the date and place of birth, and no reference shall be made in the birth certificate to the fact of legitimation.

Form

10443. The new certificate shall be identical with the certificate registered for the birth of a child born in wedlock.

Supplanting
of prior
certificate

10444. The new birth certificate shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection.

Copies of
original
certificate

10445. When a new birth certificate is established under the provisions of this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward such copies to the State Registrar for filing with the original certificate, if it is practical for him to do so. If it is impractical for him to forward the copy to the State Registrar, he shall effectually seal a cover over such copy in such a manner as not

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

to deface or destroy such copy and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be available only as provided in this article.

Availability
of informa-
tion

10446. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the State Registrar.

Filing of
affidavit

10447. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of a court of record.

Availability
of records,
etc.

Article 6. Amendment of Birth Record After Adjudication or Acknowledgment of Paternity

10450. Whenever the paternity of a child has been established by judicial decree or whenever the mother and father acknowledge paternity of a child by affidavit, and upon receipt of the court report or affidavit, the State Registrar shall establish a new birth certificate for such child, and all records relating to this birth shall be handled in the manner prescribed in Article 5 of this chapter, if the original record of birth is on file in the Office of the State Registrar.

Affidavit, etc.

New birth
certificate

Article 7. Amendment of Birth Record to Reflect Change in Surname of Parents

10460. Whenever the parents of a minor child born in this State have their surname changed by order of a court of this State, an affidavit of that fact may be filed by the parents with the State Registrar upon a form provided for that purpose.

Affidavit

10461. Upon receipt of the affidavit and a copy of the court order and upon payment of the required fee, the State Registrar shall establish a new birth certificate for the child reflecting this change in surname, and all records relating to this birth shall be handled in the manner prescribed in Article 5 of this chapter, if the original record of birth is on file in the Office of the State Registrar.

New birth
certificate

CHAPTER 9. ADMINISTRATIVE PROCEDURE TO ESTABLISH RECORD OF BIRTH

Article 1. General Provisions

10500. The provisions of this chapter are not exclusive of the provisions of Chapters 3 and 10 of this division, but offer an alternative method of establishing a record of birth.

Alternative
method

10501. Delayed certificates of birth issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates of decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of obtaining the certificate.

Delayed
birth
certificates

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

Application
for delayed
registration

10502. An application may be filed with the State Registrar for the delayed registration of birth of any person born in this State whose birth is not registered. Such application may be made only by the person whose birth is being registered if he is 18 years of age or over at the time of filing the application. If the person whose birth is being registered is under 18 years of age at the time of filing the application, the application may be made only by his mother, father, guardian or attendant at birth.

Article 2. Application

Form and
content

10510. The application shall be made on the forms prescribed and furnished by the State Registrar and shall contain such information and shall be accompanied by such affidavits and documentary evidence as required to enable the State Registrar to determine whether such birth did in fact occur at the place and date alleged.

Article 3. Evidence

"Affidavit"

10520. "Affidavit," as used in this chapter, is defined as a written statement executed under oath by a person who at the time of birth was of sufficient age to have knowledge of the facts of birth and shall include the full name of the person whose birth is being registered, the names of his parents, the date and place of his birth and the basis of the affiant's knowledge of these facts.

"Docu-
mentary
evidence"

10521. "Documentary evidence," as used in this chapter, is defined as original or certified copies of a record which was executed at least five years prior to the date of application, and which substantiates the date and place of birth of the person whose birth is being registered; except that if the person whose birth is being registered is under 12 years of age the record shall have been executed only at least two years before the date of application. Examples of documentary evidence which shall generally be considered acceptable are hospital records of birth, baptismal certificates or other church records, school records, census records, statements in applications for insurance policies, military service records, voting registration records, family Bible records, birth certificate of child of person whose birth is being registered, certificates of registry of marriage, and newspaper notices of birth.

One affidavit

10522. For births which are being registered under this chapter wherein the date of application is less than seven years following the date of birth, only one affidavit of the physician or other attendant at birth, mother or father of the person whose birth is being registered is required.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10523. For births which are being registered under this chapter wherein the date of application is seven years or more following the date of birth there shall be required documentary evidence and affidavits as follows: Documentary evidence and affidavits

(a) Two pieces of documentary evidence, at least one of which shall support the parentage, or

(b) One piece of documentary evidence and one affidavit executed by the physician or other attendant, or

(c) One piece of documentary evidence and two affidavits executed by either the mother, father, or other persons having knowledge of the facts of birth.

Article 4. Registration

10530. Upon receipt by the State Registrar of an application for delayed registration of birth and payment of the required fee, he shall review the application together with the affidavits and documentary evidence accompanying it and shall accept the application if the application and evidence submitted comply with the provisions of this chapter. After acceptance by the State Registrar the application shall constitute a delayed certificate of birth, and the State Registrar shall permanently preserve such certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all such certificates. Review and acceptance of application

Delayed certificate of birth

10531. The State Registrar shall send a certified copy of the delayed certificate of birth to the applicant without additional cost. Certified copies

10532. The State Registrar shall send certified copies of the delayed certificate of birth to the local registrar and the county recorder within which area the birth occurred and in whose offices copies of records of the year of occurrence of the event are on file. Same

CHAPTER 10. COURT PROCEEDINGS TO ESTABLISH RECORD OF BIRTH, DEATH OR MARRIAGE

10550. A verified petition may be filed by any beneficially interested person with the county clerk of the superior court in and for (a) the county in which the birth, death or marriage is alleged to have occurred, or (b) the county of residence of the person whose birth or marriage it is sought to establish, or (c) the county in which such person was domiciled at the date of death, if such person has died, for an order to judicially establish the fact of, and the time and place of a birth, death or marriage which is not registered or for which a certified copy is not obtainable. Petition Filing

10551. The petition shall be verified and shall contain all the facts necessary to enable the court to determine the fact of and the time and place of the birth, death, or marriage upon the proofs adduced in behalf of the petitioner at the hearing. Contents

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

- Same** 10552. If the time and place of birth are not known, the petition shall contain all of the facts known to the petitioner or otherwise available and a statement of the probable time and place of birth as accurately as the circumstances permit. Such petition shall be verified as to the known facts only.
- Hearing** 10553. Upon the filing of the petition a hearing shall be fixed by the clerk and at the convenience of the court set at a time not less than five nor more than 10 days after the filing of the petition. The hearing may be held in chambers. The court, for good cause, may continue the hearing beyond the 10-day period.
- Filing fee** 10554. The fee for filing the petition shall be three dollars (\$3), one dollar (\$1) of which shall go to the law library fund of the county. In counties having more than one superior court judge, the petition may be heard by any judge thereof hearing probate matters, or if a probate department has been designated for hearing probate matters, the clerk shall assign the matter to the probate department for hearing.
- Hearing**
- Court order** 10555. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage did in fact occur at the time and place shown by the proofs adduced at the hearing.
- Same** 10556. If the time and place of birth are not known, the court shall receive and consider such evidence and testimony as may be available and from the facts adduced may, by order, fix the time and place which the court finds to be a probable time and place of birth of the person in relation to whom the petition has been filed, as the time and place of such birth. The time and place so fixed shall thereafter for all purposes be the time and place of birth of such person.
- Form** 10557. The order shall be made in the form and upon the blank prescribed and furnished by the State Registrar and shall become effective upon a filing of a certified copy with the State Registrar.
- Certified copy: Filing**
- Transmittal to county recorder** 10558. The State Registrar shall send certified copies of the court order delayed certificate to the local registrar and the county recorder within which area the event occurred and in whose offices copies of records of the year of occurrence of the event are on file, except that if the event occurred outside the State, a certified copy shall be sent only to the county recorder of the county in which the petitioner resides.

CHAPTER 11. CERTIFIED COPY AND VERIFICATION OF RECORDS

- Application** 10575. The State Registrar, local registrar or county recorder shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, fetal death, death, or marriage registered with him.

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

10576. Certified copies of birth, fetal death, death, and marriage records may be made only by the State Registrar, by duly appointed and acting local registrars during their term of office, and by county recorders. Who may make

10577. Any birth, fetal death, death, or marriage record which was registered within a period of one year from the date of the event under the provisions of this division, or any copy of such record or part thereof, properly certified by the State Registrar, local registrar, or county recorder, is prima facie evidence in all courts and places of the facts stated therein. Prima facie evidence

10578. A short form of certification of birth registration which shall contain only identification information may be issued by the State Registrar, by the county recorder, or by any local registrar. Short form of certification:
Birth registration

10579. A short form of certification of death registration, including only identification information and excluding the medical statement of the cause of death, may be issued by the State Registrar, county recorder, or any local registrar, upon forms prescribed and furnished by the State Registrar. Same:
Death registration

10580. Transcripts of records of births, fetal deaths, deaths, and marriages may be obtained by the United States Public Health Service from the State Registrar, without expense to the State and without payment of fees prescribed in this division. Transcripts

10581. A certification limited to a statement as to the date of birth of any child needed for admission to school or for the purpose of securing employment shall be issued without fee by the local registrar or county recorder upon request of any parents or guardian. Limited certification

(Added by Stats. 1957, Ch. 363; amended by Stats. 1957, Ch. 1819.)

10582. The state or local registrar or county recorder may, without fee verify a date and place of birth, when the applicant can present sufficient information to identify the birth record. Verification of date and place of birth

(Added by Stats. 1957, Ch. 363; amended by Stats. 1957, Ch. 1819.)

CHAPTER 12. FEES OF STATE AND LOCAL REGISTRARS

Article 1. General Provisions

10600. The State Registrar and local registrars shall keep a true and correct account of all fees received by them. Account

10601. The money collected by the State Registrar shall be deposited with the State Treasurer for credit to the General Fund. Deposit

10602. The money collected by the local registrar shall be paid by him into the county or city treasury. Payment into county or city treasury

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

Article 2. Fee for Certified Copy or Search of Records

Certified
copy

10605. The fee for making a certified copy of a birth, fetal death, death, or marriage record shall be paid by the applicant. The fee is two dollars (\$2) for each certified copy.

(Amended by Stats. 1959, Ch. 1325. Effective January 1, 1960.)

Search

10606. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant. The fee is two dollars (\$2) for each hour or fractional hour of time of search.

(Amended by Stats. 1959, Ch. 1325. Effective January 1, 1960.)

Newsmen

10607. No fee shall be charged any publisher or editor of, or reporter employed by, a newspaper of general circulation or a news service to inspect, in the course and scope of his position or employment, any certificate of live birth, fetal death, or marriage, or any other certificate required by this division to be filed in the Office of the State Registrar or the office of any local registrar or county recorder, or any index of such certificates.

(Added by Stats. 1959, Ch. 873.)

Article 3. Other Fees

Disinterment
permit

10610. The fee for issuance of a permit for disinterment of human remains is fifty cents (\$0.50), payable to the local registrar by the applicant for the permit.

New birth
certificate

10611. A fee of two dollars (\$2) shall be paid to the State Registrar by the applicant for the establishment of a new certificate of birth under the provisions of Article 7 of Chapter 8 of this division.

Delayed
birth
registration

10612. A fee of four dollars (\$4) shall be paid to the State Registrar by the applicant at the time of application for a delayed birth registration under the provisions of Chapter 9 of this division. Upon acceptance of the application the State Registrar shall retain the fee.

(Amended by Stats. 1959, Ch. 539.)

CHAPTER 13. COMPENSATION OF APPOINTED LOCAL REGISTRARS OF BIRTHS AND DEATHS

Certifications
to county
auditors

10650. For local registrars serving under authority of Section 10051 of this division the State Registrar shall quarterly certify to the auditors of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed by this division.

Payments

10651. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor; provided, that no fee shall be paid

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

by the county to any local registrar who is also a city or county officer or employee and whose salary is by law the sole compensation for his services.

10652. Each local registrar entitled to compensation shall be paid the sum of fifty cents (\$0.50) for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State Registrar out of which fees he shall pay the subregistrar the sum of thirty cents (\$0.30) in each case where the certificate is registered with the subregistrar. Amount

10653. If no births or no deaths were registered during any week the local registrar is entitled to be paid the sum of fifty cents (\$0.50) for each report to that effect, but only if the report is made promptly as required by this division. Same

CHAPTER 14. PENALTIES

Article 1. Misdemeanors

10675. Every person who refuses or fails to furnish correctly any information in his possession, or furnishes false information affecting any certificate or record, required by this division is guilty of a misdemeanor. False information, etc.

10676. Every person who wilfully alters, otherwise than as permitted by this division, or falsifies any certificate of birth, fetal death, death, or registry of marriage, or any record established by this division is guilty of a misdemeanor. Alteration, etc., of records

10677. Every person who is required to fill out a certificate of birth, fetal death, death, or registry of marriage and register it with the local registrar, or deliver it, upon request, to any person charged with the duty of registering it, and who fails, neglects, or refuses to perform such duty in the manner required by this division is guilty of a misdemeanor. Failure, etc., to fill out certificates

10678. Every local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his duty as required by this division and by the instructions and directions of the State Registrar thereunder, is guilty of a misdemeanor. Local registrars

10679. The punishment for misdemeanors referred to in this chapter shall be as follows: Penalties

(a) For the first offense a fine of not less than ten dollars (\$10).

(b) For each subsequent offense a fine of not less than fifty dollars (\$50), or imprisonment in the county jail not more than 60 days, or by both.

Article 2. Felony

10690. Any person who wilfully makes or files or causes to be made or filed a false certificate or affidavit under the pro- Making, etc., of false certificate or affidavit

NOTE: For legislative history and construction of sections, see notes at beginning of Division 9 (commencing Section 10000).

visions of Chapter 9 of this division is guilty of a felony and is also liable to the State of California for a civil penalty in the amount of five hundred dollars (\$500). Such civil penalty may be recovered in an action filed by the Attorney General in any court of competent jurisdiction. A penalty so recovered shall be paid into the State Treasury to the credit of the General Fund.

DIVISION 10. NARCOTICS

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

Article 1. Definitions

"Physician," 11000. As used in this division, the terms "physician,"
etc. "veterinarian," "dentist," "chiropracist," and "pharmacist," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, when acting within the scope of said section.

(Amended by Stats. 1940 (First Ex. Sess.), Ch. 9, by Stats. 1941, Ch. 1116, and by Stats. 1957, Ch. 985.)

"Narcotics" 11001. "Narcotics," as used in this division, means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Cocaine and coca leaves.

(b) Opium.

(c) Morphine.

(d) Codeine.

(e) Heroin.

(f) Alpha eucaine.

(g) Beta eucaine.

(h) All parts of the plant *Cannabis sativa* L. (commonly known as marijuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; except as otherwise provided by law.

(i) Isonipeccaine. "Isonipeccaine" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

(j) Amidone. "Amidone" shall mean any substance identified chemically as 4,4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof by whatever trade name designated.

(k) Any substance decreed to be a narcotic as provided by Section 11002.1.

(l) All parts of the plant of the genus *Lophophora* whether growing or otherwise; the buttons thereof, the alkaloids ex-

tracted from any such plant; and every compound, salt, derivative, mixture or preparation of such plant.

(m) Dromoran. "Dromoran" shall mean any substance identified chemically as dl-3-hydroxy-N-methylmorphinan, l-3-hydroxy-N-methylmorphinan (but excepting d-3-hydroxy-N-methylmorphinan), dl-3-methoxy-N-methylmorphinan, or l-3-methoxy-N-methylmorphinan (but excepting d-3-methoxy-N-methylmorphinan), or any salt thereof by whatever trade name designated.

(n) Nisentil. "Nisentil" shall mean any substance identified chemically as α -1,3-dimethyl-4-phenyl-4-propionoxypiperidine or any salt thereof by whatever trade name designated.

(o) Ketobemidone. "Ketobemidone" shall mean any substance identified chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or any salt thereof by whatever trade name designated.

(p) Isoamidone. "Isoamidone" shall mean any substance identified chemically as 4,4-diphenyl-5-methyl-6-dimethylaminohexanone-3.

(q) Bemidone. "Bemidone" shall mean any substance identified chemically as 1-methyl-4-metahydroxy-phenyl-piperidine-4-carboxylic acid ethyl ester.

(r) Any substance identified chemically as α -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine.

(s) Any substance identified chemically as beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine.

(t) N.I.H.-2933. "N.I.H.-2933" shall mean any substance identified chemically as 6-dimethylamino-4,4-diphenyl-3-heptanol.

(u) N.I.H.-2953. "N.I.H.-2953" shall mean any substance identified chemically as 6-dimethylamino-4,4-diphenyl-3-acetoxyheptane.

(v) CB-11. "CB-11" shall mean any substance identified chemically as 6-morpholino-4,4-diphenyl-3-heptanone (also known as Heptazone or Heptalgin).

(w) Alpha-acetylmethadol. "Alpha-acetylmethadol" shall mean any substance identified chemically as α -6-dimethylamino-4,4-diphenyl-3-acetoxyheptane.

(x) Alpha-methadol. "Alpha-methadol" shall mean any substance identified chemically as α -6-dimethylamino-4,4-diphenyl-3-heptanol.

(y) Beta-acetylmethadol. "Beta-acetylmethadol" shall mean any substance identified chemically as β -6-dimethylamino-4,4-diphenyl-3-acetoxyheptane.

(z) Any substance identified chemically as 3-dimethylamino-1,1-di-(2-thienyl)-1-butene.

(aa) Any substance identified chemically as 3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene.

(bb) Any substance identified chemically as 4,4-diphenyl-6-dimethylamino-3-hexanone.

(cc) Piperidyl methadone. "Piperidyl methadone" shall mean any substance identified chemically as 4,4-diphenyl-6-piperidino-3-heptanone.

(dd) Any substance identified chemically as isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate.

(ee) Diethylthiambutene. "Diethylthiambutene" shall mean any substance identified chemically as 3-diethylamino-1,1-di(2-thienyl)-1-butene.

(ff) Any substance identified chemically as 1,3-dimethyl-4-phenyl-4-propionoxy-hexamethyleneimine.

(gg) Any substance identified chemically as ethyl 2,2-diphenyl-4-morpholino-butyrate.

(hh) Anileridine. "Anileridine" shall mean any substance identified chemically as ethyl 1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine-4-carboxylate.

(ii) Morpheridine. "Morpheridine" shall mean any substance identified chemically as 1-(2-morpholinoethyl)-4-carbethoxy-4-phenylpiperidine.

(jj) Palfium. "Palfium" shall mean any substance identified chemically as d-2,2-diphenyl-3-methyl-4-morpholino-butyryl-pyrrolidine.

(kk) Any compound, manufacture, salt, derivative, or preparation of opium, isonipecaine, coca leaves, or opiate.

(ll) Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in the foregoing subdivisions.

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 1191, by Stats. 1955, Ch. 1380, and by Stats. 1959, Ch. 736.)

New narcotics

11002. "Narcotics," as used in this division, also means any of the salts, derivatives, or compounds of a narcotic or any preparation or compound containing a narcotic or its salts, derivatives, or compounds.

11002.1. The chief by rule may add new narcotics to those enumerated in Sections 11001 and 11002 after notice and hearing, in accordance with the Administrative Procedure Act, Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, that such rule shall be drafted in form of proposed narcotic law for submission to the next succeeding general session of the Legislature; and provided further, that no such rule shall remain in effect beyond ninety days after the final adjournment of that session of the Legislature.

(Added by Stats. 1949, Ch. 1475.)

"Cannabis sativa"

11003. "Cannabis sativa," as used in this division, means the male or female of any species commonly known as cannabis sativa, hemp, Indian hemp, or marihuana.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1943, Ch. 468.)

"Marijuana"

11003.1. "Marijuana" as used in this division means all parts of the plant Cannabis sativa L. (commonly known as marijuana), whether growing or not; the seeds thereof; the

resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11004. "State division," as used in this division, means the Division of Narcotic Enforcement in the State Department of Justice. "State division"

(Amended by Stats. 1945, Ch. 955.)

11005. "Chief," as used in this division, means the Chief of the Division of Narcotic Enforcement. "Chief"

11006. "Board of Pharmacy," as used in this division, means the California State Board of Pharmacy. "Board of Pharmacy"

11007. "Prescription," as used in this division, means a prescription for a narcotic. "Prescription"

11008. "Sale," as used in this division, includes barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee. "Sale"

11009. (Amended by Stats. 1940 (First Ex. Sess.), Ch. 9; repealed by Stats. 1957, Ch. 1064.)

11010. "Opium pipe," as used in this division, includes a pipe, together with the usual attachments, or other apparatus used or intended to be used in the smoking of opium or heroin. "Opium pipe"

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11011. "Vehicle," as used in this division, means any vehicle or equipment used for the transportation of persons or things. "Vehicle"

11012. "Transport," as used in this division, with reference to narcotics, includes "conceal," "convey," or "carry." "Transport"

11013. "Owner," as used in this division, with reference to a vehicle, means any person having any right, title, or interest in it. "Owner"

11014. "Person" as used in this division, includes any corporation, association, copartnership, company or one or more individuals. "Person"

(Added by Stats. 1945, Ch. 955.)

11015. "Osteopath," as used in this division, shall be those persons who are licensed in the State of California as osteopathic physicians and surgeons. "Osteopath"

(Added by Stats. 1945, Ch. 955.)

11016. "Division," as used in this division, unless otherwise specifically designated, means Division 10, Health and Safety Code. "Division"

(Added by Stats. 1945, Ch. 955.)

Article 2. (Repealed by Stats. 1945, Ch. 955)

11035. (Amended by Stats. First Ex. Sess. 1940; Ch. 9; amended and renumbered 11228 by Stats. 1945, Ch. 955.)

11036. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

CHAPTER 2. DIVISION OF NARCOTIC ENFORCEMENT

Division of Narcotic Enforcement	11100. There is in the Department of Justice a Division of Narcotic Enforcement. (Amended by Stats. 1943 (Third Ex. Sess.), Ch. 2.)
Chief	11101. There is a Chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Attorney General pursuant to the State Civil Service Act.
Civil service	The provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include the chief of the division. (Amended by Stats. 1943 (Third Ex. Sess.), Ch. 2.)
Enforcement of laws	11102. The State division shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907. (Amended by Stats. 1941, Ch. 394.)
Employees	11103. The Attorney General may, in conformity with the State Civil Service Act, employ such inspectors, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the Division of Narcotic Enforcement. Two of the inspectors shall be registered licentiates in pharmacy. (Amended by Stats. 1951, Ch. 1282.)
Physician	11104. The state division may employ a physician to interview and examine any patient for whom any narcotic has been prescribed or to whom any narcotic has been furnished or administered, or who is an habitual user of narcotics, or who has a previous narcotic addiction record. The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.
Report	The physician employed by the state division to conduct the interview and examination shall report the results of the examination and interview to the state division.
Testimony	The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners or the State Board of Osteopathic Examiners and his testimony is not privileged.
Penalty	Every person who violates any provision of this section is guilty of a misdemeanor. (Amended by Stats. 1949, Ch. 1475.)
Peace officer powers	11105. The chief and the inspectors appointed by him have the powers and duties of peace officers in the performance of their duties.
Expenditures for evidence	11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence.
Repayment	The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the State division.

11107. This division does not prohibit the inspectors of the Board of Pharmacy from inspecting records in connection with the regulation of the sale, giving away, prescribing, or administering, of narcotics or other drugs. Record
inspection

CHAPTER 3. PRESCRIPTIONS

Article 1. Requirements of Prescriptions

11160. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116; amended and renumbered 11500 by Stats. 1945, Ch. 955.)

11161. No person other than a physician, dentist, chiropractist or veterinarian shall write a prescription. Licensed
persons

(Amended by Stats. 1941, Ch. 1116.)

11161.1. A prescription written by an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, shall be filled only at a pharmacy maintained in the hospital which employs such unlicensed person. Unlicensed
persons

(Added by Stats. 1957, Ch. 1043.)

11162. No person shall write, issue, fill, compound, or dispense a prescription that does not conform to this division. Conformance

(Amended by Stats. 1945, Ch. 955.)

11162.5. A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of this division; and the person filling such an order, as well as the person issuing it, may be charged with violation of the law. Responsi-
bility

(Added by Stats. 1945, Ch. 955.)

11163. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish, a narcotic to or for any person who is not under his treatment for a pathology or condition other than narcotic addiction, except as provided in this division. Person for
whom
prescribed

11163.5. Any physician, who by court order or order of any state or governmental agency, or who voluntarily surrenders his narcotic privileges, shall not possess, administer, or prescribe a narcotic unless and until such privileges have been restored and he has obtained current registration from the United States Collector of Internal Revenue as provided by law. Surrender
of narcotic
privileges

(Added by Stats. 1949, Ch. 1475.)

Addict 11164. No person shall prescribe for or administer, or dispense a narcotic to an addict, or to any person representing himself as such, except as permitted by this division.
(Amended by Stats. 1945, Ch. 955.)

Falsity 11165. No person shall issue a prescription that is false or fictitious in any respect.

Execution and contents 11166. No person shall write a prescription unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by him as of the date on which it is written, contains the name and address for whom prescribed and states the name and the quantity of the narcotic prescribed.

(Amended by Stats. 1939, Ch. 1097; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

Order for patient in county or licensed hospital 11166.01. An order for narcotics for use by a patient in a county or licensed hospital shall be exempt from all requirements of this article, but shall be in writing on the patient's record, signed by the prescriber, dated, and shall state the name and quantity of the narcotic ordered and the quantity actually administered. The record of said orders shall be maintained as a hospital record for a minimum of seven years and shall be available for inspection by all properly authorized officers of the law, including all inspectors of the state division and of the Board of Pharmacy.

(Added by Stats. 1957, Ch. 824.)

Prescription writing 11166.02. Except as provided in Section 11166.12 of this code, no person shall order or prescribe for a narcotic or fill, compound, or dispense a prescription for a narcotic unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and containing the name and address of the person for whom prescribed, and stating the name and quantity of the narcotic prescribed.

(Added by Stats. 1949, Ch. 1475; amended by Stats. 1953, Ch. 1207.)

Prescription blanks 11166.05. Prescription blanks shall be issued by the state division in serially numbered groups of 100 forms each in triplicate, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Any person possessing any such prescription blank otherwise than as herein provided is guilty of a misdemeanor.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

TriPLICATE books 11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the State division to the same prescriber at one time. Limitation on number

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1945, Ch. 955.)

11166.08. No person shall issue a prescription other than on the official prescription form issued by the State division, and no person shall fill any prescription other than on the official prescription form issued by the State division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the State division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have indorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used. Official blanks

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11166.09. All prescriptions on the official blanks shall be written in triplicate, all three copies signed by the prescriber. Prescriptions in triplicate

(Added by Stats. 1939, Ch. 1097.)

11166.10. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division, special agents of the Board of Medical Examiners, inspectors of the Board of Osteopathic Examiners, and inspectors of the Board of Pharmacy. Preservation of copies

(Added as 11166.1 by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; amended and renumbered by Stats. 1945, Ch. 955.)

11166.11. The original and one copy of the prescription shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is filled, the duplicate shall be returned to the state division. Use of original and duplicate

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess. 1940, Ch. 9; by Stats. 1945, Ch. 955; and by Stats. 1949, Ch. 1475.)

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following: Exceptions

(a) Codeine, dihydrohydroxycodone, or dihydrocodeinone combined with other nonnarcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other nonnarcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscipine (formerly narcotine).

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to writing within twenty-four (24) hours, by the pharmacist. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

(Added by Stats. 1939, Ch. 1097; amended by Stats. First Ex. Sess., 1940, Ch. 9, by Stats. 1941, Ch. 744, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1951, Ch. 1149, by Stats. 1953, Ch. 114, and by Stats. 1959, Ch. 645.)

When
triplicate
blanks
required

11166.13. When codeine, or dihydrocodeinone or tincture opii camphorata (paregoric) is not combined with other medicinal ingredients, it shall be prescribed on the official triplicate blanks.

(Added by Stats. 1949, Ch. 1475.)

Medicinal
compounds

11166.14. Medicinal compounds as referred to in Sections 11166.12 and 11166.13 are compounds containing nonnarcotic drugs.

(Added by Stats. 1949, Ch. 1475.)

11167. No person shall prescribe, administer, or furnish a narcotic for himself.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Conditions

11168. No person shall prescribe, administer, or furnish a narcotic except under the conditions and in the manner provided by this division.

Dating

11169. No person shall antedate or postdate a prescription.

Fraud,
deceit, etc.

11170. (1) No person shall obtain or attempt to obtain narcotics, or procure or attempt to procure the administration of or prescription for narcotics, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a material fact.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining narcotics, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing narcotics.

(Amended by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

False name
or address

11170.5. No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a narcotic, give a false name or false address.

(Added by Stats. 1949, Ch. 1475.)

11171. No person shall obtain or possess a prescription that does not comply with this division. Illegal possession

11172. Except as provided in Section 11166.12 of this code, no person shall prescribe over a telephone or furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist or his employee or responsible agent may deliver a narcotic pursuant to the telephone order of a person authorized to prescribe a narcotic, if the pharmacist, employee or agent is supplied with a prescription for such narcotic before delivery. Filling:
Telephone
order

The employee or agent shall immediately deliver said prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

(Amended by Stats. 1953, Ch. 1767.)

11173. No person shall fill a prescription if it shows evidence of alteration, erasure, or addition by any person other than the person writing it. Altered
prescription

11174. No person shall fill a prescription unless it is tendered to him on or before the seventh day following the date of issue. Tender

11175. A person who fills a prescription shall keep it on file for at least three years from the date of filing it. Retention

11176. No person shall obtain or possess a narcotic obtained by a prescription that does not comply with this division. Prohibited
narcotic
possession

11177. A narcotic prescription on file shall at all times be open to inspection by the prescriber, and properly authorized officers of the law, including all inspectors of the State division and of the Board of Pharmacy. Inspection

11178. (Added by Stats. 1939, Ch. 1097; repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

Article 2. Exempt Narcotics

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, not more than one grain of codeine, or two grains of Noscapine (formerly Narcotine) or to mistura glycyrrhiza compound, N.F. However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division. Exemptions

(Amended by Stats. 1939, Ch. 1097, by Stats. First Ex. Sess., 1940, Ch. 9, by Stats. 1941, Ch. 744, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 412, and by Stats. 1959, Ch. 654.)

11201. This article does not except tincture opii camphorata (commonly known as paregoric) from the provisions of this division and it may be sold only upon the prescription of a physician, and the prescription shall not be again refilled or dispensed. Paregoric

Article 3. Prescriber's Record

- Contents** 11225. Every person who issues a prescription, or administers or dispenses a narcotic shall make a record that, as to the transaction, shows all of the following:
- (a) The name and address of the patient.
 - (b) The date.
 - (c) The character and quantity of narcotics involved.
 - (d) The pathology and purpose for which the prescription is issued, or the narcotic administered, prescribed, or dispensed.
- Inspection** 11226. The record shall be preserved for two years and shall at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy.
- Penalty** Every person who violates any provision of this section is guilty of a misdemeanor.
- Prima facie evidence** 11227. In a prosecution under this division proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by a defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.
(Amended by Stats. 1945, Ch. 955.)
- Inspection of records** 11228. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the State division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.
(Formerly 11035; amended and renumbered by Stats. 1945, Ch. 955.)

Article 4. Copies of Prescriptions

- Copies** 11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, inspector of the State division, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer or inspector shall give to the pharmacist a receipt in lieu thereof.
(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Article 5. Refilling Prescriptions

- Refilling** 11275. No person shall refill a narcotic prescription. However, where a prescription was originally issued for a narcotic preparation for which a prescription was not by law required, a prescription can be refilled unless the prescriber otherwise directs.
(Amended by Stats. 1939, Ch. 1097.)

CHAPTER 4. USE OF NARCOTICS

Article 1. Lawful Medical Use Other Than Treatment of Addicts

- Prescriptions for certain patients** 11330. A physician may prescribe for, furnish to, or administer narcotics to his patient when the patient is suffering from a disease, ailment, injury, or infirmities attendant upon old age, other than narcotic addiction.

The physician shall prescribe, furnish, or administer narcotics only when in good faith he believes the disease, ailment, injury, or infirmity, requires such treatment.

The physician shall prescribe, furnish, or administer narcotics only in such quantity and for such length of time as are reasonably necessary.

11331. (Repealed by Stats. 1945, Ch. 955.)

11331.5. In order to provide a supply of narcotics as may be necessary to handle emergency cases, any hospital which does not employ a resident pharmacist and which is under the supervision of a licensed physician, may purchase narcotics on Federal order forms for said institution, under the name of said hospital, said supply to be made available to a registered nurse for administration to patients in emergency cases, upon direction of a licensed physician. Emergency cases

A report showing the kind and amount of narcotics purchased on the Federal order form shall be forwarded, by registered mail, to the Division of Narcotic Enforcement, at the time such narcotics are purchased and a record shall be kept of such rush, emergency administration of narcotics, including the amount given, the type, the date given, and the name and address of the person to whom administered.

(Added by Stats. 1941, Ch. 394; amended by Stats. 1949, Ch. 1475.)

11332. Persons registered and taxed under Section 4722 of Title 26, United States Code, and lawfully entitled to obtain and use in a laboratory needed narcotic drugs for the purpose of research, instruction or analysis, may lawfully obtain and use for such purposes lophophora substances as defined in Section 11001, upon registration with and written approval by the Chief of the Division of Narcotic Enforcement. Complete records of receipts, stocks at hand and use of these substances shall be kept. These records shall at all times be open to inspection by any authorized agent of the Division of Narcotic Enforcement. Lophophora for research, etc.

(Repealed by Stats. First Ex. Sess., 1940, Ch. 9; added by Stats. 1959, Ch. 1563.)

Article 2. Treatment of Addicts for Addiction

11390. Any narcotic employed in treating an addict for addiction shall be administered by a physician, or by a registered nurse acting under his instruction. Narcotic administration

11390.5. No physician or other person shall order, permit or direct any person other than a registered nurse, or other physician, to administer a narcotic to a person being treated for narcotic addiction. Same

(Added by Stats. 1949, Ch. 1475.)

11391. No person shall treat an addict for addiction except in one of the following: Place of treatment

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A state narcotic hospital.

(e) A state hospital.

(f) A county hospital.

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

Maximum

11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first 15 days of such treatment:

(a) Eight grains of opium.

(b) Four grains of morphine.

(c) Six grains of Pantopon.

(d) One grain of Dilaudid.

(e) Four hundred milligrams of Isonippecaine (Demerol).

(f) One hundred eighty milligrams of Amidone.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

Same

11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment.

(a) Four grains of opium.

(b) Two grains of morphine.

(c) Three grains of Pantopon.

(d) One-half grain of Dilaudid.

(e) Two hundred milligrams of Isonippecaine (Demerol).

(f) Ninety milligrams of Amidone.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

Discontinu-
ance of
treatment
Physician's
report

11394. At the end of 30 days from the first treatment, the prescribing or furnishing of narcotics shall be discontinued.

11395. The physician treating an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the State division, stating the name and address of the patient, and the name and quantities of narcotics, if any, prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the fifteenth day of the treatment and on the thirtieth day of the treatment, and thereafter shall make such further reports as are requested in writing by the State division.

(Amended by Stats. 1945, Ch. 955.)

11396. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

Article 3. Physicians' Reports

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the State division.

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

11426. The physician shall upon request in writing from the State division furnish any additional reports upon the treatment of the user as the State division may request in writing.

Additional
report

Article 4. Veterinarians

11450. No veterinarian shall prescribe, administer, or furnish a narcotic for himself or any other human being.

Prohibition

11451. A prescription written by a veterinarian shall state the kind of animal for which ordered and the name and address of the owner or person having custody of the animal.

Prescription
statements

(Amended by Stats. 1945, Ch. 955.)

Article 5. (Repealed by Stats. 1947, Ch. 931)

11475. (Repealed by Stats. 1947, Ch. 931.)

11476. (Amended by Stats. 1941, Ch. 1116; repealed by Stats. 1947, Ch. 931.)

11477. (Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1941, Ch. 1116; repealed by Stats. 1947, Ch. 931.)

11478. (Repealed by Stats. 1947, Ch. 931.)

11479. (Amended by Stats. 1941, Ch. 1116, and by Stats. 1945, Ch. 955; repealed by Stats. 1947, Ch. 931.)

CHAPTER 5. ILLEGAL NARCOTICS

(Chapter heading amended by Stats. 1945, Ch. 955)

Article 1. Illegal Sale, Possession, Administration and Transportation

(Article heading added by Stats. 1945, Ch. 955)

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State, shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

Penalties

Previous
conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

(Formerly 11160. Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, and by Stats. 1941, Ch. 1116; amended and renumbered 11500 by Stats. 1945, Ch. 955; amended by Stats. 1955, Ch. 1466, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Transporting,
selling, etc.

11501. Except as otherwise provided in this division, every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any narcotic other than marijuana except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State shall be punished by imprisonment in the county jail for not more than one year, or in the state prison from five years to life.

Previous
conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life.

(Added by Stats. 1953, Ch. 1770; repealed and added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Use of
minor, etc.

11502. Every person who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall violate any provision of this division, or who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison not less than five years.

Previous
conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of

the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

(Added by Stats. 1953, Ch. 1770; repealed and added by Stats. 1959, Ch. 112. In effect June 23, 1959; operative July 1, 1959.)

11503. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any narcotic to any person, or offers, arranges, or negotiates to have any narcotic unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years. Selling, etc.

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Article 2. Marihuana

(Formerly Article 1. Renumbered by Stats. 1945, Ch. 955)

11530. Every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, or who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years. Planting

If such person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years. Previous conviction

(Amended by Stats. First Ex. Sess., 1940, Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 1770, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11531. Every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport Transportation, etc.

any marijuana shall be punished by imprisonment in the county jail for not more than one year, or in the state prison from five years to life.

Previous
conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life.

(Amended by Stats. First Ex. Sess., 1940, Ch. 9; repealed by Stats. 1945, Ch. 955; added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Use of
minors, etc.

11532. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any marijuana to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than five years.

Previous
conviction

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Article 1a. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955)

11540. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955.) Section of same number added to Article 2.5, below.

11541. (Added by Stats. 1941, Ch. 394; repealed by Stats. 1945, Ch. 955.)

Article 2.5. Lophophora

(Article 2.5 added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959)

Planting, etc.

11540. Every person who plants, cultivates, harvests, dries, or processes any plant of the genus *Lophophora*, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years. Previous conviction

(Added by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Article 3. Narcotic Pipes and Resorts

(Formerly Article 2. Renumbered by Stats. 1945, Ch. 955)

11555. It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a narcotic. Opium pipe, etc.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1949, Ch. 1475, and by Stats. 1953, Ch. 434.)

11556. It is unlawful to visit or to be in any room or place where any narcotics are being unlawfully smoked or used with knowledge that such activity is occurring. Visit

(Added by Stats. 1940 (First Ex. Sess.), Ch. 9; amended by Stats. 1945, Ch. 955, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 434, and by Stats. 1957, Ch. 2157.)

11557. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years. Places

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years. Previous conviction

(Added by Stats. First Ex. Sess. 1940, Ch. 9; amended by Stats. 1953, Ch. 434 and Ch. 1770, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

CHAPTER 6. SALE WITHOUT PRESCRIPTION

11570. No prescription is required in case of the sale of narcotics at retail in pharmacies by pharmacists to any of the following: Sale by pharmacies

(a) Physicians.

- (b) Dentists.
- (c) Chiropodists.
- (d) Veterinarians.

In any sale mentioned in this article, there shall be executed any written order that may otherwise be required by law or by the provisions of Section 2 of an act of Congress, approved Dec. 17, 1914, as heretofore amended, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

(Amended by Stats. 1939, Ch. 1097, by Stats. 1941, Ch. 1116, and by Stats. 1945, Ch. 955.)

By jobber

11571. No prescription is required in case of sales at wholesale by jobbers, wholesalers and manufacturers to any of the following:

(a) Pharmacists as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

(Amended by Stats. 1941, Ch. 1116.)

Written orders or forms

11572. All wholesale jobbers, wholesalers, and manufacturers, mentioned in this division shall keep, in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of Section 2 of the act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves and salts, derivatives, or preparations.

(Amended by Stats. 1945, Ch. 955.)

Inspection

11573. The written orders or blank forms shall always be open for inspection by any peace officer or any inspector or member of the Board of Pharmacy or the chief or any inspector of the State division.

Preservation

The written orders or blank forms shall be preserved for at least three years after the date of the last entry made.

Forwarding copies of orders, etc.

11574. A true and correct copy of all orders, contracts, or agreements taken for narcotics shall be forwarded by registered mail to the State division within 24 hours after the taking of the order, contract, or agreement, unless the order, contract, or agreement is recorded as required under the provisions of Section 2 of an act of Congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing, or giving away of opium, isonipecaine, or coca leaves, their salts, derivatives, or preparations, by a wholesale jobber, wholesaler, or manufacturer, permanently located in this State, as provided for in that section.

(Amended by Stats. 1945, Ch. 955.)

Order, etc., for future delivery

11575. The taking of any order, or making of any contract or agreement, by any traveling representative or

employee of any person for future delivery in this State, of any narcotic constitutes a sale within the meaning of this division.

11576. Within 24 hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, an out-of-State wholesaler or manufacturer of any narcotics for delivery in this State, the purchaser shall forward to the State division by registered mail a true and correct copy of the order, contract, or agreement. Forwarding
copy of
order, etc.

CHAPTER 7. ENFORCEMENT

Article 1. Forfeiture of Vehicles

11610. The interest of any registered owner of a vehicle used to unlawfully transport or facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited, or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof or which is used to facilitate the unlawful possession of any narcotic by an occupant thereof, shall be forfeited to the State. Registered
owner

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1955, Ch. 1209, and by Stats. 1959, Ch. 2085.)

11611. Any peace officer of this State, upon making or attempting to make an arrest for a violation of this division, shall seize any vehicle used to unlawfully transport any narcotic or to facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof, or which is used to facilitate the unlawful possession of a narcotic by an occupant thereof, and shall immediately deliver such vehicle to the Division of Narcotic Enforcement of the Department of Justice to be held as evidence until a forfeiture has been declared or a release ordered. Seizure

(Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1949, Ch. 1475, and by Stats. 1955, Ch. 1209.)

11612. Within fifteen (15) days after such seizure, the Chief of the Division of Narcotic Enforcement shall cause an investigation to be made as to any claimant to the vehicle whose right, title, interest or lien is of record in the Department of Motor Vehicles. If he finds that any person, other than the registered owner, is the legal owner thereof he shall forthwith send a notice of such seizure to such legal owner at his address appearing on the records of the Department of Motor Vehicles. Notice of seizure and intended forfeiture proceedings shall be filed with the county clerk and shall be served on all owners whose interest will be affected thereby. Investigation

Notice

Filing

(Amended by Stats. 1959, Ch. 2085.)

Service	<p>11613. Notice shall be given to each owner according to one of the following methods:</p> <p>(a) Upon each owner whose right, title, or interest is of record in the Department of Motor Vehicles, by mailing a copy of the notice by registered mail to the address as given upon the records of the Department of Motor Vehicles.</p> <p>(b) Upon each owner whose name and address is known, to the last known address of the owner.</p> <p>(c) Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the vehicle, by one publication in a newspaper of general circulation in the county where the seizure was made.</p>
Answer	<p>11614. Within 20 days after the mailing or publication of the notice, any owner of any right, title, or interest in, or lien upon, a seized vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding; and any legal owner, holding a bona fide lien, mortgage or conditional sales contract may file a verified answer to the facts set forth in the notice and setting forth, if such be the fact, that his lien, mortgage, or conditional sales contract was acquired without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610.</p> <p>(Amended by Stats. 1959, Ch. 2085.)</p>
Extension of time	<p>11615. No extensions of time shall be granted for the purpose of filing the answer.</p>
Hearing: When no answer filed	<p>11616. If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court, upon motion, shall declare the vehicle forfeited to the State. Notwithstanding any other provision of law, a certified copy of said declaration of forfeiture, duly filed with the Department of Motor Vehicles, shall constitute authority for the State to convey clear title to the vehicle to any purchaser thereof in the manner provided in this article.</p>
Conveyance of title	<p>(Amended by Stats. 1955, Ch. 1209.)</p>
When answer filed	<p>11617. If a verified answer is filed, the forfeiture proceeding shall be set for hearing on a day not less than 30 days therefrom, and the proceeding has priority over other civil cases.</p>
Notice	<p>11618. Notice of the hearing shall be given in the same manner as provided for service of notice of seizure.</p>
Evidence	<p>11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle, and any legal owner holding a bona fide lien, mortgage or conditional sales contract may show that he acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610.</p> <p>(Amended by Stats. 1955, Ch. 1209, and by Stats. 1959, Ch. 2085.)</p>

11620. (Amended by Stats. 1955, Ch. 1209; repealed by Stats. 1959, Ch. 2085.)

11621. No lien acquired pursuant to Chapter 6.5 (commencing with Sec. 3067) of Title 14 of Part 4 of Division 3 of the Civil Code shall be affected by a forfeiture decreed hereunder. Effect on certain liens

(Amended by Stats. 1959, Ch. 2085.)

11622. If the court finds that the vehicle was not used for any purposes referred to in Section 11610 and that no narcotic was unlawfully possessed by any occupant thereof, the court shall order the vehicle released to the person entitled thereto. Release
If the court does not so find but does find that the legal owner holding a bona fide lien, mortgage, or conditional sales contract acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610 and if the amount due him is equal to, or in excess of, the appraised value of the vehicle, the court shall order the vehicle released to such legal owner. If the amount thereunder is less than the appraised value of the vehicle, the legal owner may pay to the Department of Finance the amount of the registered owner's equity, said equity to be the sum difference between appraised value and the legal owner's outstanding lien, mortgage or conditional sales contract. Upon such payment the State shall relinquish all claims to the vehicle. If the legal owner elects not to make such payment to the Department of Finance, the vehicle shall be deemed forfeited to the Department of Finance and the ownership certificate shall be forwarded. Appraised value is to be determined as of the date judgment is entered on a wholesale basis and shall be an agreed value between the legal owner and the Department of Finance, or if such cannot agree then by the inheritance tax appraiser for the county in which the action is brought.

(Amended by Stats. 1959, Ch. 2085.)

11623. If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the Department of Finance. Auction sale

11624. The Department of Finance shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place. Notice

11625. In all cases where a vehicle seized by the State division is forfeited to the State and turned over to and sold by the Department of Finance, the proceeds of the sale shall be distributed as follows, in the order indicated: Proceeds

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the vehicle, if any, up to the amount of his interest in the vehicle, when the court declaring the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to time, as the proceeds become sufficient, to be distributed:

1. To the Department of Finance for all expenditures made or incurred by it in connection with the sale, including expend-

iture for any necessary repairs, storage or transportation, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this article, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the State division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

Purchase
by State

11626. In any case the Department of Finance may, within 30 days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the State.

Release of
vehicle

11627. If the court finds that the vehicle was not used to unlawfully transport narcotics, or to facilitate the unlawful transportation of narcotics, the court shall order the vehicle released to the owner as his right, title or interest appears of record in the Department of Motor Vehicles as of the date of seizure.

(Amended by Stats. 1955, Ch. 1209.)

Disposition
of forfeited
vehicle

11628. When a vehicle has been ordered forfeited to the State, it shall be turned over to the Department of Finance, which shall deliver to the State division such forfeited vehicles as may be needed by the division to enforce the provisions of this division.

Exemptions

11629. The provisions of this division relative to forfeiture of vehicles do not apply to a common carrier, or to an employee acting within the scope of his employment in the enforcement of this division.

Article 2. Seizure and Disposition of Narcotics

Seizure

11650. Narcotics possessed in violation of this division, and all opium pipes, may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in the Penal Code.

Opium pipes:
Order for
destruction

11651. All opium pipes seized under the provisions of this division shall, upon conviction of the owner or defendant, be ordered destroyed by the judge of the court in which conviction is had.

Contents
of order

11652. The order of destruction shall contain the name of the party charged with the duty of destruction, but the judge shall turn all such evidence over to the State division for destruction.

11653. All narcotics that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over immediately to the State division for destruction or disposition.

Delivery
to State
division

11654. Narcotics and opium pipes seized under this division, now in the possession of any city or county official, or of the State Board of Pharmacy, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the State division for destruction or disposition.

Same

No narcotics or opium pipes coming into the possession of the State division as described in this section shall be destroyed within six months from seizure.

11655. The State division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendents of State prisons or State hospitals, for medical purposes.

Gift

11656. When narcotics or opium pipes have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the State division, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

Safekeeping
when owner
fugitive

11657. When narcotics or opium pipes have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over immediately to the State division, unless the court finds that the narcotics were lawfully possessed by the defendant.

Disposal
when case
dismissed

Article 3. Prosecutions and Disposition of Fines

11680. The district attorney of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

Prosecution:
District
attorney

However, subject to the approval of the Attorney General, the chief may employ special counsel for that purpose, who may take complete charge of the conduct of such actions or prosecutions. The chief may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars (\$3,500) in any one year.

Special
counsel

11681. All moneys, forfeited bail, or fines received by any court under this division shall as soon as practicable after the receipt thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Con-

Disposition
of fines

troller; and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

Any money deposited in the State Treasury under the provisions of this section which is determined by the State Controller to have been erroneously deposited therein shall be refunded by him, subject to approval of the State Board of Control prior to the payment of such refund, out of any money in the State Treasury which is available by law for such purpose.

(Amended by Stats. 1953, Ch. 523, and by Stats. 1955, Ch. 1658.)

Records

11682. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall at least monthly transmit a record of it to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this article.

(Amended by Stats. 1953, Ch. 523.)

Same

11683. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

Same

11684. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the county auditor.

(Amended by Stats. 1953, Ch. 523.)

11685. (Repealed by Stats. 1953, Ch. 523.)

Suit for
enforcement

11686. The State Controller shall check the reports and records received by him with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the county auditor shall and the State Controller may bring suit to enforce their collection or transmittal, or both.

(Amended by Stats. 1953, Ch. 523.)

Bond
liability

11687. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

Public
inspection

11688. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the State division.

Article 4. Penalties

11710. All duly authorized peace officers, while investigating violations of this division in performance of their official duties, and any person working under their immediate direction, supervision or instruction, are immune from prosecution under this division. Immunity from prosecution

(Repealed by Stats. First Ex. Sess. 1940, Ch. 9; added by Stats. 1953, Ch. 1770.)

11711. (Repealed by Stats. First Ex. Sess. 1940, Ch. 9.)

11712. (Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1941, Ch. 744, and by Stats. 1953, Ch. 1770; repealed by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11713. (Amended by Stats. 1940 (1st Ex. Sess.), Ch. 9, by Stats. 1945, Ch. 955, by Stats. 1953, Ch. 1770, and by Stats. 1954 (Ex. Sess.), Ch. 12; repealed by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11714. (Amended by Stats. 1951, Ch. 1149 and Ch. 1506, and by Stats. 1953, Ch. 1770; repealed by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11715. Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than ten years. Forgeries

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, by Stats. 1945, Ch. 955, and by Stats. 1949, Ch. 1475.)

11715.5. When there is reason to believe that any person arrested for violation of Sections 11500, 11501, 11502, 11503, 11530, 11531, 11532, 11540, 11557, 11715, or 11721, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. Aliens

(Added by Stats. 1939, Ch. 1097; amended by Stats. 1953, Ch. 1770, by Stats. 1954. (Ex. Sess.), Ch. 12, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

11715.6. In no case shall any person convicted of violating Sections 11500, 11501, 11502, 11503, 11530, 11531, 11532, 11540, 11557, or 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court, if such person has been previously convicted of any offense described in this division Probation or suspension of sentence

except Section 11721, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division except Section 11721.

(Added by Stats. 1939, Ch. 1097; amended by Stats. 1949, Ch. 1329, by Stats. 1951, Ch. 1149, by Stats. 1953, Ch. 1770, and by Stats. 1959, Ch. 1112. In effect June 23, 1959; operative July 1, 1959.)

Violations

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11163.5, 11164, 11170 and 11170.5, shall be punished by imprisonment in the state prison not exceeding six years or in a county jail not exceeding one year.

(Added by Stats. 1945, Ch. 955; amended by Stats. 1949, Ch. 1475, and by Stats. 1957, Ch. 139.)

**General
penalty**

11716. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9.)

**Revocation
of regis-
tration**

11717. The Board of Pharmacy may revoke the registration of any registered pharmacist or registered assistant pharmacist upon conviction of violating any provision of this division, and in such case the registration shall not be restored before the period of one year from the date of the revocation.

**Dismissal,
etc., of
allegations**

11718. In any criminal proceeding for violation of any provision of this division no allegation of fact which, if admitted or found to be true, would change the penalty for the offense charged from what the penalty would be if such fact were not alleged and admitted or proved to be true may be dismissed by the court or stricken from the accusatory pleading except upon motion of the district attorney.

(Added by Stats. 1959, Ch. 1772.)

Article 4.5. Addicts

(Article 4.5 added by Stats. 1939, Ch. 1079)

11720. (Added by Stats. 1939, Ch. 1079; amended by Stats. First Ex. Sess. 1940, Ch. 9; repealed by Stats. 1945, Ch. 955.)

Violations

11721. No person shall use, or be under the influence of, or be addicted to the use of narcotics, excepting when administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year

in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

(Added by Stats. 1939, Ch. 1079; amended by Stats. 1945, Ch. 995, by Stats. 1949, Ch. 1475, by Stats. 1953, Ch. 1770, by Stats. 1954 (Ex. Sess.), Ch. 11, by Stats. 1955, Ch. 1381, and by Stats. 1957, Ch. 1064.)

11722. (a) Whenever any court in this State grants probation to a person who the court has reason to believe is or has been a user of narcotics, the court may require as a condition to probation that the probationer submit to periodic tests by a city or county health officer, or by a physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, to determine, by means of the use of synthetic opiate anti-narcotic in action whether the probationer is a narcotic addict.

Probation
and parole:
Periodic
tests

In any case provided for in this subdivision, the city or county health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to the probation officer.

(b) In any case in which a person is granted parole by a county parole board and the person is or has been a user of narcotics, a condition of the parole may be that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results to the board.

(c) In any case in which any state agency grants a parole to a person who is or has been a user of narcotics, it may be a condition of the parole that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the State Division of Narcotic Enforcement, shall report the results of the tests to such state agency.

(d) The cost of administering tests pursuant to subdivisions (a) and (b) shall be a charge against the county. The cost of administering tests pursuant to subdivision (c) shall be paid by the State.

(e) The State Department of Public Health, in conjunction with the State Division of Narcotic Enforcement, shall issue regulations governing the administering of the tests provided

for in this section and providing the form of the report required by this section.

(Added by Stats. 1939, Ch. 1079; repealed by Stats. 1953, Ch. 1770; added by Stats. 1957, Ch. 1894.)

Test to
determine
addiction

11723. In any case in which a person has been arrested for a criminal offense and is suspected of being a narcotic addict, a law enforcement officer having custody of such person may, with the written consent of such person, request the city or county health officer, or physician appointed by such health officer pursuant to Section 11722, to administer to the arrested person a test to determine, by means of use of a synthetic opiate antinarcotic in action, whether the arrested person is a narcotic addict, and such health officer or physician may administer such test to such arrested person.

(Added by Stats. 1959, Ch. 1504.)

State policy
re rehabili-
tation

11728. The rehabilitation of narcotic addicts and the prevention of continued addiction to narcotics is a matter of statewide concern. It is the policy of the State to encourage each county and city and county to make use of synthetic opiate anti-narcotics in action and other testing procedures to determine narcotic addiction or the absence thereof, and to foster research in means of detecting the existence of narcotic addiction and in medical methods and procedures for that purpose.

(Added by Stats. 1959, Ch. 2129.)

NOTE: Stats. 1959, Ch. 2129, also contained the following provision:

SEC. 4. There is hereby appropriated to the Department of Justice out of the General Fund in the State Treasury the sum of fifty thousand dollars (\$50,000) to be expended during the 1959-60 Fiscal Year, for the rehabilitation, testing, and control of narcotic addicts as provided in Sections 11723 to 11725, inclusive, of the Health and Safety Code.

Local
government
action

11729. The Department of Justice is directed to promote and sponsor the use by agencies of local government of the provisions of this article. The department may assist such agencies to establish facilities for, and to train personnel to conduct testing procedures pursuant to Section 11722, and may conduct demonstrations thereof for limited periods. For these purposes the department may procure such medical supplies, equipment, and temporary services of physicians and qualified consultants as may reasonably be necessary. Subject to the availability of funds appropriated for the purpose, the department may contract with any county or city and county which undertakes to establish facilities and a testing program pursuant to Section 11722, and such contract may provide for payment by the State of such costs of initially establishing and demonstrating such program as the department may approve.

(Added by Stats. 1959, Ch. 2129.)

Studies, etc.

11730. The Department of Justice shall provide for such records, studies and research as may be necessary to evaluate the functional efficacy of this article as a method of treatment, rehabilitation and control of narcotic addicts and the

use of diagnostic drugs and other testing procedures in such treatment. The department shall submit a report to the Legislature concerning the effect of this article in operation at the commencement of each session of the Legislature.

(Added by Stats. 1959, Ch. 2129.)

Article 4.7. Narcotic Treatment-Control Units

(Article 4.7 added by Stats. 1959, Ch. 65)

11750. The Department of Corrections and the Department of the Youth Authority are authorized to establish narcotic treatment-control units in state correctional facilities or training schools or as separate establishments for such study, research, and treatment as may be necessary for control of the addiction or imminent addiction to narcotics of persons committed to the custody of the Director of Corrections or the Director of the Youth Authority. Establishing

(Added by Stats. 1959, Ch. 65.)

11751. When the Adult Authority concludes that there are reasonable grounds for believing that a man on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Adult Authority so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article. Detention of
parolees:
Men

(Added by Stats. 1959, Ch. 65.)

11752. When the Youth Authority concludes that there are reasonable grounds for believing that a person committed to its custody, and on parole, is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of the Youth Authority to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation, or revocation of parole unless the Youth Authority so orders pursuant to Section 1767.3 of the Welfare and Institutions Code. Same:
Minors

With the consent of the Director of Corrections, the Director of the Youth Authority may, pursuant to this section, confine the addicted or potentially addicted person, over 18 years of age, in a narcotic treatment-control unit established by the Department of Corrections.

(Added by Stats. 1959, Ch. 65.)

Same:
Women

11753. When the Board of Trustees of the California Institution for Women concludes that there are reasonable grounds for believing that a woman on parole is addicted to, or is in imminent danger of addiction to, narcotics, it may issue an order to detain or place such person in a narcotic treatment-control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Board of Trustees so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Sections 3060 and 3325 of the Penal Code may be detained in a narcotic treatment-control unit established pursuant to this article.

(Added by Stats. 1959, Ch. 65.)

Powers

11754. The authority granted to the Adult Authority and the Youth Authority in no way limits Sections 3060 and 3325 of the Penal Code.

(Added by Stats. 1959, Ch. 65.)

Article 5. Abatement

Nuisance

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any narcotics as defined in this division, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

(Amended by Stats. First Ex. Sess. 1940, Ch. 9, and by Stats. 1949, Ch. 1475.)

Action to
abate

11781. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the State resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

Complaint

11782. Unless filed by the district attorney, the complaint in the action shall be verified.

Temporary
injunction

11783. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance.

Undertaking

11784. Except when it is granted on application of the people of the State, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he

will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it.

11785. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division. Priority of action

11786. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court. Dismissal

11787. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff. Substitution of plaintiff

11788. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him. Taxing of costs

11789. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court. Order, lien, etc.

11790. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both. Violation of injunction

11791. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution. Removal and sale of property

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division. Closing building

11792. While the order of abatement remains in effect, the building or place is in the custody of the court. Court custody

11793. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court. Fees

Disposition
of proceeds

11794. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

Sale of
building

11795. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

Abatement
by owner

11796. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

Lien

11797. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it.

The lien is enforceable and collectible by execution issued by order of the court.

DIVISION 11. EXPLOSIVES

PART 1. HIGH EXPLOSIVES

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

"Explosives"

12000. For the purposes of this part only the term "explosives" shall include all materials within Class A and Class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing at Section 11370), Part

1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as Class A and Class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this part. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

The term "explosives" as used in this part shall not be deemed to include small arms ammunition of 75 caliber or less, nor any other Class C explosives as classified by the Interstate Commerce Commission, nor ammonium nitrate or ammonium nitrate fertilizer, or oxidizing agents such as or comparable to ammonium nitrate.

(Amended by Stats. 1947, Ch. 1568, and by Stats. 1957, Ch. 930 and Ch. 2074; repealed and added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12000.5. "Chief" means the State Fire Marshal and assistant and deputy state fire marshals, the State Forester and his authorized representatives, and the chief and his authorized representatives of a fire department or fire protection agency maintained by a city, county, fire protection district, or Federal Government. In any area of the State in which there exists no organized fire protection agency responsible for the protection of the area, "chief" for the purpose of this part only may be so designated by the respective boards of supervisors having jurisdiction in the area concerned.

In the event any person desires to receive explosives for use in an area outside of this State, a permit to receive such explosives, using the form prescribed by the State Fire Marshal, may be issued by any person in the area of use qualifying as a chief as above defined, or if there be no such person, by the chief law enforcement official in the area of use.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12001. "Explosive manufacturing plant," as used in this division, includes all land used in connection with the manufacture and storage of explosives at any such plant.

12002. This part does not apply to explosives while in the course of transportation via railroad, water, or highway, when the explosives are moving under the jurisdiction of and in conformity with regulations adopted by the Interstate Commerce Commission or the United States Coast Guard.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12003. This division does not affect the operation or provisions of any city or city and county ordinance respecting the delivery, storage, and handling of explosives.

12004. The Public Utilities Commission may make, publish, and promulgate regulations which are not in conflict with this division, and which, in the judgment of the commission, may

Outside of
State

"Explosive
manufactur-
ing plant"

Exception

Same

Public
Utilities
Commission's
regulations

promote the safe packing, loading, storage, and transportation of explosives.

(Amended by Stats. 1957, Ch. 1224.)

State Fire
Marshal's
rules and
regulations

12004.5. The State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce reasonable rules and regulations for the purposes of Chapters 2 (commencing at Section 12100), 5 (commencing at Section 12350), and 6 (commencing at Section 12400) of this part. Such rules and regulations shall supersede any regulations of the Public Utilities Commission with respect to activities regulated by these chapters.

(Added by Stats. 1957, Ch. 1224.)

Action by
chief

12005. The chief having the responsibility for the prevention and suppression of fire where an act occurs giving rise to a forfeiture specified in this division may, for his own benefit, sue for the forfeiture.

(Amended by Stats. 1957, Ch. 1224.)

Exceptions

12006. This part does not apply to fireworks regulated under Part 2 (commencing at Section 12500) of this division.

(Added by Stats. 1950 (3d Ex. Sess.), Ch. 41; repealed by Stats. 1951, Ch. 878; added by Stats. 1957, Ch. 1224.)

CHAPTER 2. SALE OR OTHER DISPOSITION OF EXPLOSIVES

(Heading amended by Stats. 1957, Ch. 1224)

Exceptions

12100. This chapter does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated under Division 11D (commencing at Section 729.01) of the Vehicle Code, except that no shipment of explosives originating without the State, when such explosives would otherwise be governed by the provisions of this part, shall be delivered to any person who does not present a permit as specified in Section 12101.

(b) Any sale, gift, delivery, or other disposition of a quantity of explosives in excess of 1,000 pounds.

(c) Any sale, gift, delivery, or other disposition of smokeless powder when such smokeless powder is intended for hand loading of small arms ammunition for private personal use and not for resale, and when the quantity of such smokeless powder does not exceed 20 pounds, and when the keeping on hand of such smokeless powder is acceptable to the authorities having local jurisdiction and is in compliance with local regulations, if any, applicable thereto.

(Amended by Stats. 1957, Ch. 1224, and by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Permit to
receive
explosives

12101. Unless otherwise provided in this chapter, no person shall receive or possess any explosives as defined herein and within the scope of this part, without first securing a permit to receive explosives issued to such person by the chief having the responsibility for the prevention and suppression of fire in

the area in which the explosives are to be used, and it is unlawful for any person to sell, give away or deliver explosives to any person who does not present such a permit.

(Original 12101 renumbered 12110 by Stats. 1957, Ch. 1224. Present 12101 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12101.5. No explosives shall be sold, given or delivered to any person under 21 years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives governed by the provisions of this chapter. Minors

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12102. Application for a permit to receive explosives shall be made by filing a statement with the chief having the responsibility for the prevention or suppression of fire in the area in which the explosives are to be used, upon a form prescribed by the State Fire Marshal, showing: Application statement: Form

(a) The name and address of the applicant.

(b) The place where and the purpose for which the explosives are intended to be used.

(Original 12102 amended and renumbered 12111 by Stats. 1957, Ch. 1224. Present 12102 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12103. The statement shall be signed by the applicant, or by his agent, and shall be notarized or witnessed. If witnessed, it shall be witnessed by two persons known to the chief to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the applicant is personally known to them, and to the best of their knowledge and belief the explosives are required by the applicant for the purposes set forth in the statement. Signature, witnesses, etc.

If more than one employee or agent may be designated by the applicant to receive explosives for the applicant, or if more than one vehicle may be used by the applicant or his agent to transport any explosives received, the physical description and other required information pertaining to the agents and the vehicles, as specified on the application, shall be given on the application for all such persons and vehicles. Multiple applicants

(Original 12103 amended and renumbered 12112 by Stats. 1957, Ch. 1224. Present 12103 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12104. Before issuing a permit, the chief shall: Issuance

(a) Review the statement.

(b) Ascertain that the applicant or his agent, as appropriate, has sufficient knowledge and ability to safely handle and use explosives.

(c) Inspect the vehicle in which the applicant proposes to transport the explosives and ascertain that it is reasonably safe for that purpose, except that no inspection shall be required of any vehicle for which a permit has been issued for

the transportation of explosives governed by the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

(Repealed and added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Denial

12105. The chief shall, in the exercise of reasonable discretion, deny a permit to any person if it is his opinion that the handling or use of explosives by such person would be hazardous to property or dangerous to any person and to any person if he proposes to transport the explosives in a vehicle which is not reasonably safe for that purpose.

(Repealed and added by Stats. 1957, Ch. 1224.)

Descriptions
on permit

12105.5. In the event that more than one employee or agent may be designated by the permittee to receive explosives, or in the event that more than one vehicle may be used by the permittee or his agent to transport any explosives received, the physical description and other required information for such persons and vehicles shall be shown on the permit.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Form

12106. The form of the permits shall be prescribed by the State Fire Marshal. Permits shall be numbered and shall contain information regarding local and state requirements with respect to the transportation of explosives.

(Repealed and added by Stats. 1957, Ch. 1224.)

Types

12107. Permits shall be of two types. Type A, which shall be issued to persons engaged in an established construction, agricultural, timber, mining, or other commercial operation, to persons desiring to receive more than 20 pounds of smokeless powder for hand loading of small arms ammunition for private personal use and not for resale, and to persons desiring to receive any amount of other types of gunpowder for sporting purposes, shall be valid until suspended or revoked. A Type B permit shall expire 24 hours from the time of issuance.

(Original 12107 renumbered 12116 by Stats. 1957, Ch. 1224. Present 12107 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Nontrans-
ferable

12107.5. No permit issued under the provisions of this chapter shall be transferable.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Suspension
and revo-
cation

12108. A Type A permit may be suspended and, after reasonable notice and hearing, revoked by any chief having the responsibility for the prevention and suppression of fire in an area through which explosives are transported or in which explosives are used, if the person to whom the permit was issued transports or uses or proposes to transport or use the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property.

Notice

If the suspension or revocation is effected by the chief of a jurisdiction other than that jurisdiction in which the permit was issued, the chief taking action to suspend or revoke

a permit shall notify the chief who issued the permit of the action taken.

(Original 12108 renumbered 12117 by Stats. 1957, Ch. 1224. Present 12108 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12109. Except as otherwise provided in Section 12109.5, every persons who sells, gives away, delivers, or otherwise disposes of explosives to any person shall make a quadruplicate record of each such sale or transaction. A copy shall be immediately sent to the chief who issued the permit to receive explosives. Two copies shall be delivered to the person receiving the explosives, one to be retained by him and the other to be sent to the chief who issued the permit to receive explosives upon the disposition of the explosives. The original shall be retained by the person disposing of the explosives and shall be kept on file for a period of not less than three years. The form of the record of sale or transaction shall be prescribed by the State Fire Marshal. Record of sales, etc.

(Original 12109 renumbered 12118 by Stats. 1957, Ch. 1224. Present 12109 added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12109.5. When the permit to receive explosives indicates that the intended area of use of the explosives is other than that area in which the permittee or his agent receives the explosives, the person selling or otherwise disposing of the explosives shall, in addition to complying with the provisions of Section 12109, immediately send a copy of the record of sale to the chief in the area where the explosives are received by the permittee or his agent. Same: Copy to area chief

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12110. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise. Such journal or record book shall be kept on file for a period of not less than three years. Journal or record book

If the record of sale required by Section 12109, contains the information specified in Section 12111, such record of sale shall be considered as meeting the requirements of this section for a journal or record book.

(Formerly 12101. Renumbered 12110 by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12111. Each notation in the journal or record book shall show, in a legible handwriting: Same: Notations

(a) The name and quantity of the explosive sold, delivered, given away, or otherwise disposed of.

(b) The name, residence, and business of the purchaser or transferee.

(c) The name of the individual to whom the explosive is delivered, his address, and a description of him sufficient for identification purposes.

(d) The number of the permit to receive explosives displayed by the person to whom the explosives were delivered.

(Formerly 12102. Amended and renumbered 12111 by Stats. 1957, Ch. 1224.)

Suspension,
etc., of re-
quirements

12111.5. The State Fire Marshal may, upon application of any interested party and with the concurrence of the chief or chiefs in the area or areas affected, and if he determines that such action may be taken without jeopardizing public safety, suspend, or waive compliance with, the whole or any part of the requirements of Sections 12101, 12109, 12109.5, 12110, and 12111 insofar as they apply to the sale, gift, delivery, or other disposition of explosives in sparsely populated, unincorporated areas or in any area where there may be practical difficulties or unnecessary or unreasonable hardship in carrying out the provisions of the foregoing sections. No person shall be charged with any crime for any transaction in violation of Sections 12101, 12109, 12109.5, 12110 or 12111 when such a suspension or waiver by the State Fire Marshal is in effect in the area in which the transaction occurs.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Inspection of
journal or
record book

12112. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It shall be at all times, on proper demand, subject to the inspection and examination of any chief or other duly authorized law enforcement official.

(Formerly 12103. Amended and renumbered 12112 by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Signs

12113. Vehicles transporting explosives governed by the provisions of this part, shall have displayed thereon or attached thereto such signs as are required by Section 599 of the Vehicle Code.

(Added by Stats. 1957, Ch. 1224; repealed and added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Transportation

12114. (a) It is unlawful for any person to transport explosives in any vehicle upon a public highway, or to park any vehicle loaded with explosives upon a public highway, unless such vehicle is marked or placarded as required in Section 12113 of this chapter.

(b) It is unlawful for any person to operate or to park any vehicle upon a public highway to which there are attached or displayed signs of the type prescribed in Section 599 of the Vehicle Code, unless the vehicle is loaded with explosives.

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12115. A person who receives explosives under a Type B permit shall normally use the explosives during the daylight hours of the day of purchase. If it is stated by the applicant or if it is reasonably certain or apparent that the explosives cannot or will not be used within the daylight hours of the day of purchase, and if the proposed place and manner of storage is acceptable to the chief issuing the permit, the period of time for such use may be extended, but in no case shall such extension be for a period greater than 72 hours from the time of the issuance of the permit. If an extension of time for the use of the explosives is granted, the chief issuing the permit shall so indicate on the permit.

Use: Type B
permitExtension
of time

(Added by Stats. 1957, Ch. 1224; amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12116. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000), or by imprisonment for not less than six months, or by both.

Criminal
penalty

(Formerly 12107. Amended by Stats. 1957, Ch. 139; renumbered 12116 by Stats. 1957, Ch. 1224.)

12117. In addition to the criminal punishment, a person who violates any provision of this chapter shall forfeit the sum of two hundred fifty dollars (\$250) for each violation. The forfeiture may be sued for by any person in a court of competent jurisdiction.

Civil
penalty

(Formerly 12108. Renumbered 12117 by Stats. 1957, Ch. 1224.)

12118. A person who has instituted an action for a forfeiture pursuant to this chapter shall not dismiss it without the consent of the court in which it is pending. A judgment for such person shall not be settled, satisfied, or discharged except by an order of, and after deposit of the full amount of the judgment in, the court. All money deposited in the court shall be paid to the person who instituted the action.

Forfeiture
action, etc.

(Formerly 12109. Renumbered 12118 by Stats. 1957, Ch. 1224.)

CHAPTER 3. STORAGE

Article 1. General Provisions

12150. Except only at an explosive manufacturing plant, no person shall possess, keep, or store any explosive which is not completely inclosed and incased in a tight metal, wooden, or fiber container.

Containers

No person having any explosives in his possession or control shall under any circumstances permit or allow any grains or particles of explosives to be or remain on the outside of, or about, the containers in which the explosives are kept.

Blasting caps 12150.5. Every person having any blasting caps (electric or nonelectric) in his possession or control, shall keep the same securely deposited in a locked receptacle, except when taken therefrom for actual use, transportation or sale.

(Added by Stats. 1947, Ch. 1568.)

Magazines 12151. Except while being transported or while in the custody of a common carrier pending delivery to a consignee, every explosive shall be kept or stored in one of the two classes of magazines specified in this chapter.

Exception 12152. This chapter does not prohibit the keeping or storing of explosives in any explosive manufacturing plant which was actually used in manufacturing explosives prior to the fifteenth day of April, 1917.

Same 12153. This chapter does not prohibit the keeping or storing of explosives in any tunnel in which:

(a) No person is employed.

(b) The doors are fireproof.

(c) The doors at all times are kept closed and locked, except when necessarily opened by persons lawfully entitled to enter the tunnel for the purpose of storing or removing explosives.

(d) On each door are printed legibly the words, "magazine," "explosives," "dangerous."

Article 2. Magazines of the First Class

Scope of article 12170. The provisions of this article relate to magazines of the first class.

"Building" 12171. "Building," as used in this article, means any building the whole or a part of which is regularly occupied as a habitation by human beings, and any store, church, schoolhouse, railway station, or other public place of assembly.

"Highway" 12172. "Highway," as used in this article, means any public street or public road, but does not include any road constructed and maintained by a private person.

"Railroad" 12173. "Railroad," as used in this article, means any steam, electric, or other railroad that carries passengers or articles of commerce for hire.

"Efficient artificial barricade" 12174. "Efficient artificial barricade," as used in this article, means an artificial mound or properly revetted wall of earth not less than three feet in thickness.

Exceptions 12175. The provisions of this article regarding the amount of explosives that may be kept or stored in a magazine, or prescribing the distance at which a magazine shall be situated from a building, railroad, highway, or other magazine, do not apply to persons engaged in mining or quarrying operations. (Amended by Stats. 1957, Ch. 930.)

"Magazine of the first class" 12176. "Magazine of the first class" means any building or structure, other than an explosives manufacturing building, used for the storage of more than 100 pounds of explosives.

(Amended by Stats. 1957, Ch. 930.)

12177. Magazines of the first class shall have the walls constructed of brick, concrete, tile, cement blocks, iron, aluminum, or wood covered on the outside with iron or aluminum for fire resistance. Construction

Brick, concrete, tile and cement block walls shall be at least eight inches thick, and if bullet-resistance is required the openings in the tile or cement blocks shall be filled with coarse, dry sand, or a mixture of one part cement and 10 parts sand.

For iron or aluminum magazines, the metal shall be not less than No. 14 gauge, and if bullet-resistance is required the inside shall be lined with not less than four inches of brick, solid cement blocks, hardwood, or equivalent.

Wood or frame magazines shall have wood walls covered outside with iron or aluminum not less than 26 gauge in thickness. If bullet-resistance is required the walls shall be so built as to provide not less than a six-inch fill of coarse, dry sand, or a mixture of one part cement and 10 parts sand, between the outer wall and an inner sheathing, or the walls may be lined inside with brick, solid cement blocks, or hardwood, not less than four inches thick.

Magazines shall have no openings except for ventilation and entrance. Vent openings shall be screened to prevent sparks passing through them, except that magazines containing only black blasting powder may be constructed without openings for ventilation.

(Amended by Stats. 1957, Ch. 930.)

12178. (Repealed by Stats. 1957, Ch. 930.)

12179. Magazine doors shall be kept closed and locked except when opened for transacting business. They shall be of fire resistant material on the outside, and also bullet resistant if the rest of the magazine is so constructed. Doors

(Amended by Stats. 1957, Ch. 930.)

12180. Magazines of the first class for the storage of high explosives, except blasting and electric blasting caps, shall be bullet, fire, and weather resistant. Magazines for the storage of blasting and electric blasting caps, and black blasting powder shall be fire and weather resistant. Fireproofing,
etc.

(Repealed and added by Stats. 1957, Ch. 930.)

12181. No matches, open lights, or fire of any kind shall at any time be permitted in or around a magazine. If artificial light is needed, only an electric flashlight, electric lantern, or electric cap lamp shall be used. When explosives or detonators that are stored in a magazine become damp, electric lights may be installed for drying purposes. Such light shall be encased in vapor-tight globes and shall be kept at least five feet from such explosives and detonators. The wiring shall be in conduit and the switch located outside the magazine. Matches,
lights, etc.

(Amended by Stats. 1957, Ch. 930.)

- Signs** 12182. Upon the premises on which magazines are located there shall be posted signs with the words "EXPLOSIVES—KEEP OFF," legibly printed thereon in letters not less than three inches high.
(Amended by Stats. 1957, Ch. 930.)
- Opening packages** 12183. No package of explosives shall be opened in a magazine or within 50 feet thereof.
(Amended by Stats. 1957, Ch. 930.)
- Blasting caps, etc.** 12184. Blasting caps, other detonating or fulminating caps, or detonators shall not be kept or stored in any magazine in which explosives are kept or stored, but may be kept or stored in a magazine meeting the construction requirements of this article.
(Amended by Stats. 1957, Ch. 930.)
- Location** 12185. A magazine in which explosives are kept or stored shall be detached and located at least 100 feet from any other structure.
- Storage quantity** 12186. The quantity of blasting caps or explosives that may be kept or stored in any magazine depends upon the distance that the magazine is situated from, and upon the protection afforded by natural or efficient artificial barricades to, the nearest building, highway, railroad, or other magazine.
(Amended by Stats. 1957, Ch. 930.)
- Distance from nearest building, etc.** 12187. In the following table is set forth the minimum distance that a magazine in which a specified quantity of blasting caps or explosives is kept shall be situated from the nearest building, railroad, highway, or other magazine:

Table

QUANTITY AND DISTANCE TABLE

Column 1 Quantity kept or stored		Column 2 Distance from nearest building in feet		Column 3 Distance from nearest railroad in feet		Column 4 Distance from nearest highway in feet		Column 5 Distance from nearest magazine in feet	
Blasting caps number	Explosives pounds	Over		Not over					
		2		5		140		60	
		5		10		180		70	
1,001-	5,000	10		20		220		90	
5,001-	10,000	20		30		250		100	
10,001-	20,000	30		40		280		110	
20,001-	25,000	40		50		300		120	
25,001-	35,000	50		75		340		140	
35,001-	50,000	75		100		380		150	
50,001-	65,000	100		125		400		160	
65,001-	80,000	125		150		430		170	
80,001-	100,000	150		200		470		190	
100,001-	125,000	200		250		510		210	
125,001-	150,000	250		300		540		220	
150,001-	200,000	300		400		590		240	

QUANTITY AND DISTANCE TABLE—Continued

Blasting caps number	Column 1 Quantity kept or stored		Column 2 Distance from nearest building in feet	Column 3 Distance from nearest railroad in feet	Column 4 Distance from nearest highway in feet	Column 5 Distance from nearest magazine in feet
	Explosives pounds					
	Over	Not over				
200,001- 250,000	400	500	640	260	260	58
250,001- 300,000	500	600	680	270	270	62
300,001- 350,000	600	700	710	290	290	64
350,001- 400,000	700	800	750	300	300	66
400,001- 450,000	800	900	780	310	310	70
450,001- 500,000	900	1,000	800	320	320	72
500,001- 550,000	1,000	1,200	850	340	330	78
550,001- 650,000	1,200	1,400	900	360	340	82
650,001- 750,000	1,400	1,600	940	380	350	86
750,001- 850,000	1,600	1,800	980	390	360	88
850,001-1,000,000	1,800	2,000	1,010	410	370	90
1,000,001-1,250,000	2,000	2,500	1,090	440	380	98
1,250,001-1,500,000	2,500	3,000	1,160	470	390	104
1,500,001-2,000,000	3,000	4,000	1,270	510	420	116
2,000,001-2,500,000	4,000	5,000	1,370	550	450	122
	5,000	6,000	1,460	590	470	130
	6,000	7,000	1,540	620	490	136
	7,000	8,000	1,600	640	500	144
	8,000	9,000	1,670	670	510	150
	9,000	10,000	1,730	690	520	156
	10,000	12,000	1,750	740	540	164
	12,000	14,000	1,770	780	550	174
	14,000	16,000	1,800	810	560	180
	16,000	18,000	1,880	840	570	188
	18,000	20,000	1,950	870	580	196
	20,000	25,000	2,110	940	630	210
	25,000	30,000	2,260	1,000	680	224
	30,000	35,000	2,410	1,050	720	238
	35,000	40,000	2,550	1,100	760	248
	40,000	45,000	2,680	1,140	800	258
	45,000	50,000	2,800	1,180	840	270
	50,000	55,000	2,920	1,220	880	280
	55,000	60,000	3,030	1,260	910	290
	60,000	65,000	3,130	1,290	940	300
	65,000	70,000	3,220	1,320	970	310
	70,000	75,000	3,310	1,350	1,000	320
	75,000	80,000	3,390	1,380	1,020	330
	80,000	85,000	3,460	1,410	1,040	340
	85,000	90,000	3,520	1,440	1,060	350
	90,000	95,000	3,580	1,460	1,080	360
	95,000	100,000	3,630	1,490	1,090	370
	100,000	110,000	3,670	1,540	1,100	390

QUANTITY AND DISTANCE TABLE—Continued

Blasting caps number	Column 1 Quantity kept or stored Explosives pounds		Column 2 Distance from nearest building in feet	Column 3 Distance from nearest railroad in feet	Column 4 Distance from nearest highway in feet	Column 5 Distance from nearest magazine in feet
	Over	Not over				
	110,000	120,000	3,710	1,580	1,110	410
	120,000	130,000	3,750	1,620	1,120	430
	130,000	140,000	3,780	1,670	1,130	450
	140,000	150,000	3,800	1,700	1,140	470
	150,000	160,000	3,870	1,740	1,160	490
	160,000	170,000	3,930	1,780	1,180	510
	170,000	180,000	3,980	1,810	1,200	530
	180,000	190,000	4,020	1,840	1,210	550
	190,000	200,000	4,060	1,870	1,220	570
	200,000	210,000	4,110	1,910	1,240	590
	210,000	230,000	4,200	1,960	1,270	630
	230,000	250,000	4,310	2,020	1,300	670
	250,000	275,000	4,430	2,080	1,340	720
	275,000	300,000	4,550	2,150	1,380	770

(Amended by Stats. 1957, Ch. 930.)

Two or more magazines
12187.1. When two or more storage magazines are located on the same property, each magazine shall comply with the minimum distances specified from buildings, railways, and highways, and in addition they shall be separated from each other by not less than the distances shown in Column 5 of the quantity and distance table, except that the quantity of blasting caps contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified Column 5 distances, then such two or more magazines, as a group, shall be considered as one magazine, and the total quantity of explosives stored in such group shall be treated as if stored in a single magazine located on the site of any magazine of the group, and shall comply with the minimum distances specified from other magazines, buildings, railways, and highways.

(Added by Stats. 1957, Ch. 930.)

Storage amount
12187.2. Not more than 300,000 pounds of commercial explosives shall be permanently stored in a magazine or in a group of magazines which is considered to be one magazine.

(Added by Stats. 1957, Ch. 930.)

Minimum distance
12188. Any applicable minimum distance may be one-half of that set forth in the quantity and distance table if the nearest building, railroad, highway, or other magazine is effectively screened from the magazine either by a natural barricade or an efficient artificial barricade of such height that:

(a) A straight line drawn from the top of any side wall of the magazine to any part of the building or other magazine will pass through the barricade.

(b) A straight line drawn from the top of any side wall of the magazine to any point 12 feet above the center of the railroad or highway will pass through the barricade.

(Amended by Stats. 1957, Ch. 930.)

12189. The quantity and distance table is not applicable to any magazine if the nearest building, railroad, highway, or other magazine is effectually screened from the magazine by a natural ground barrier, which: Exceptions

(a) At any one point is 40 feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building or other magazine, or to any point 12 feet above the center of the railroad or highway.

(b) Has a natural thickness of not less than 200 feet at the point where it is intersected by the straight line.

(Amended by Stats. 1957, Ch. 930.)

12190. If at any time the distance from a magazine to the nearest building, highway, or railroad is decreased through the construction of a new building, highway, or railroad, the quantity of explosives kept or stored in the magazine shall be reduced to correspond with that specified for the new distance by the quantity and distance table. The quantity need not be reduced, however, in the event that a new building is constructed in bad faith and with the intent to annoy, harass, oppress, or hinder the owner of the magazine. When distance reduced on construction of new building, etc.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Article 3. Magazines of the Second Class

12210. A magazine of the second class is a stout box in which not more than 100 pounds of explosives are stored or kept. Nature

12211. A sign on which are printed legibly the words, "magazine," "explosives," "dangerous," shall be kept posted in a conspicuous place on the magazine. Sign

12212. Except when necessarily opened for use by authorized persons, the magazine shall at all times be kept securely locked. Locking

Article 4. Violations

12220. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than six months, or by both. Penalty

12221. Every person who wilfully or negligently violates the provisions of Section 12150.5 shall be subject to civil liability for damages, at the suit of any person injured as a result of his violation. Civil liability

(Added by Stats. 1947, Ch. 1568.)

CHAPTER 4. TRANSPORTATION

On common
carriers

12300. It is unlawful to transport any explosives between places in this State on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than 20 are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

(e) Explosives transported upon the highways in accordance with the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

(Amended by Stats. 1957, Ch. 1224.)

Same

12301. It is unlawful to transport liquid nitroglycerine, dry fulminate in bulk, or other like explosive between places in this State on any vessel, car, or vehicle operated by a common carrier in the carriage of passengers or articles of commerce.

Blasting
caps, etc.

12301.5. In any area where it is reasonably necessary for the public safety the State Fire Marshal may by regulations adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, prohibit the transportation of blasting caps or detonators upon the same vehicle with other explosives governed by the provisions of this part, and the transportation of electric blasting caps upon any vehicle equipped with a two-way radio. Such regulations shall not be applicable to the transportation of any blasting caps packaged and transported in accordance with the regulations of the Interstate Commerce Commission.

(Added by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

Felonious
acts

12302. Every person who wilfully does any of the following is guilty of a felony punishable by imprisonment in a State penitentiary for not more than two years:

(a) Carries any explosive on his person on any vessel, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive, while on board any such vessel, car, or vehicle, in any hand baggage, roll, or container.

(c) Places any explosive in any baggage which is later checked with any common carrier.

12303. The contents of a package containing explosives shall be plainly marked on the outside of the package at the time the package is delivered to a common carrier for transportation. Package marking

It is unlawful for any person to deliver, or cause to be delivered, to any common carrier for transportation any explosive under any false or deceptive marking, description, invoice, shipping order, or other declaration, unless he informs the carrier or the carrier's agent, at or before the time of delivery, of the true character of the explosive. False marking

12304. Every person who takes, carries, or transports, or causes to be taken, carried, or transported, any explosive, as defined in Section 12000 of this part, into, through, or across any city or harbor in violation of the ordinances of the city, or of the laws or regulations governing the harbor, as the case may be, shall, in addition to any penalties imposed by such ordinances, laws, or regulations, forfeit the explosive, together with any case in which it may be contained, to the State. Transportation within city, etc.
Forfeiture

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12305. Any citizen of the State may sue for the forfeiture for himself and the State by an action in any court of competent jurisdiction, but without any cost or expense to the State. If the forfeiture is directed by the judgment of the court, the property subject to the forfeiture shall be sold. The citizen instituting the action may retain one-half of the proceeds for his own benefit, and shall pay the other half into the State Treasury. Action for forfeiture

12306. Every person who wilfully violates, or causes the violation of, any provision of this chapter, except a provision in Section 12302, 12304, and 12305, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. Penalty

(Amended by Stats. 1957, Ch. 139.)

CHAPTER 5. ILLEGAL USE OR POSSESSION

12350. "Explosive," as used in this chapter, means any explosive as defined in Section 12000 of this part. "Explosive"

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following: "Lawful possession of an explosive"

(a) In the course of the business of manufacturing, selling, or transporting explosives.

(b) In the course of legitimate blasting operations.

(c) In the arts.

(d) In the transportation of explosives upon the highways in accordance with the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

(Amended by Stats. 1957, Ch. 1224.)

12351.5. (Added by Stats. 1951, Ch. 878; amended by Stats. 1953, Ch. 469; repealed by Stats. 1957, Ch. 1224.)

Felonious
acts:

12352. Every person who does either of the following is guilty of a felony:

Reckless or
malicious
possession

(a) Recklessly or maliciously has in his possession an explosive on a public street or highway; in or near any theater, hall, school, college, church, hotel, other public building, or private habitation; in, on, or near any railway passenger train or car, cable road or cable car, steam or other vessel engaged in carrying passengers, ferryboat, or public place ordinarily passed by human beings.

Reckless or
malicious
use

(b) Recklessly or maliciously uses an explosive to intimidate, terrify, or endanger any human being.

Presumption

Any person not in the lawful possession of an explosive who is found with an explosive on his person or in his possession on, in, or near any of the buildings, means of transportation, or places mentioned in this section, is presumably guilty of reckless and malicious possession of the explosive.

Unlawful
possession

12353. Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony punishable by imprisonment in a State prison for not more than five years, or by a fine of not more than five thousand dollars (\$5,000), or by both.

Use at place
of assem-
blage

12354. Every person is guilty of a felony punishable by imprisonment in the State prison for not less than one year who, with the intent to injure or destroy it, or with the intent to injure, intimidate, or terrify any human being, maliciously uses, places, deposits, explodes, or attempts to explode any explosive at, in, under, or near, or takes any explosive into or near, any (a) building, vessel, boat, railroad, tramroad, cable road, train, car, depot, stable, car-house, theater, school-house, church, or dwelling; (b) other place usually inhabited, frequented, or passed by human beings, or where human beings usually assemble; or who by any of such acts injures or endangers any human being.

CHAPTER 6. MISCELLANEOUS

Unlawful
entry of
magazine

12400. With the exception of a chief, the owner, a person authorized to enter by the owner, or the owner's agent, every person who enters any explosive manufacturing plant, magazine, or car containing explosives is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than three months, or by both.

(Amended by Stats. 1957, Ch. 1224.)

Discharge
of firearm

12401. Every person who wilfully discharges any firearm within 500 feet of any magazine or any explosive manufacturing plant is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or by both.

General
penalty

12402. If no other criminal punishment is prescribed by this division, any person who makes or keeps any explosive,

as defined in this part, in any city, or who carries any such explosive through the streets of any city, in any quantity or manner prohibited either by this division or by any ordinance of the city in which it is made, kept, or carried, is guilty of a misdemeanor.

(Amended by Stats. 1959, Ch. 1740. In effect July 10, 1959.)

12403. Any theft or loss of explosives, as defined in Section 12000 of this code, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person having control of such explosives to the chief of the fire department of the jurisdiction in which the theft or loss occurred, and to the local police or county sheriff.

Theft or
loss:
Report

(Added by Stats. 1959, Ch. 488.)

12404. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives required in the performance of his duties shall, when the need for such explosives no longer exists, either return the explosives to a magazine meeting the specifications of Chapter 3 (commencing at Section 12150) of this part, or a magazine meeting equivalent specifications, or shall destroy the explosives in a safe manner so as not to make them available to persons who might obtain them and use them in a manner prejudicial to the safety of life and property. Magazines or temporary magazines used for storage purposes in any area where blasting is required shall, when the need for such storage no longer exists and the explosives have been removed or disposed of as above required, be removed or demolished, or the signs indicating the presence of explosives in such magazines or on the premises on which such magazines are located shall be removed or effectively obliterated.

Disposal

Magazines

(Added by Stats. 1959, Ch. 488.)

12405. Any violation of Section 12403 or Section 12404 is a misdemeanor.

Misdemeanor

(Added by Stats. 1959, Ch. 488.)

PART 2. FIREWORKS

(Part 2 added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

(Chapter heading added by Stats. 1955, Ch. 1891)

12500. This part shall be known and may be cited as the State Fireworks Law.

Short title

(Added by Stats. 1939, Ch. 534; amended by Stats. 1945, Ch. 982, and by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

Construction 12501. The definitions set forth in this chapter shall govern the construction of this part, unless the context otherwise requires.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

"Fireworks" 12502. "Fireworks" means blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound per cap are used.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891; amended by Stats. 1959, Ch. 1135.)

"Dangerous fireworks" 12503. "Dangerous fireworks" includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature;

Blank cartridges;

Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

Roman candles, including all devices which discharge balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

Sparklers more than 10 inches in length or one-fourth of one inch in diameter;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds;

All pyrotechnic devices having a side fuse;

Fire balloons or balloons of any type which have burning material of any kind attached thereto;

Such other fireworks as may be designated as dangerous by the State Fire Marshal with the advice of the State Fire Advisory Board.

The State Fire Marshal, with the advice of the State Fire Advisory Board, may, subject to such restrictions as are deemed necessary, exempt from the provisions of this part specific pyrotechnic items for commercial, industrial, and agricultural uses or for religious ceremonies.

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891; amended by Stats. 1959, Ch. 1135.)

12504. "Safe and sane fireworks" includes any fireworks not designated as "dangerous fireworks," except that in all cases only end fuses may be used. "Safe and sane fireworks"

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12505. "Agricultural and wild life fireworks" includes fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both, whenever such fireworks are so classified by the State Fire Marshal. "Agricultural and wild life fireworks"

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12506. "Class 1 flammable liquid" includes any liquid whose flash point is one hundred (100) degrees Fahrenheit, or less. "Class 1 flammable liquid"

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

12507. "Side fuse" means a fuse inserted into a pyrotechnic article or device at a point along its length. "Side fuse"

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12508. "End fuse" means a fuse inserted into any pyrotechnic article or device at the end as distinguished from the side of such device. "End fuse"

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12509. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of dangerous fireworks. "Public display of fireworks"

(Added by Stats. 1939, Ch. 534; amended by Stats. 1947, Ch. 1316; repealed and added by Stats. 1955, Ch. 1891.)

12509a. (Added by Stats. 1947, Ch. 1316; repealed by Stats. 1955, Ch. 1891.)

12509b. (Added by Stats. 1947, Ch. 1316; repealed by Stats. 1955, Ch. 1891.)

12510. "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, "Fire nuisance"

or hinder, or may become the cause of any obstruction, delay, suppression, or hindrance, to the prevention or extinguishment of fire.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

"License" 12511. "License" means a nontransferable formal authorization which the State Fire Marshal is permitted to issue under this part to engage in the branch of pyrotechnics specifically designated therein, whether as an importer, exporter, wholesaler, retailer, manufacturer, salesman, pyrotechnic or agricultural operator, or otherwise.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

"Licensee" 12512. "Licensee" means any person holding a firework license in conformance with this part.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

"Permit" 12513. "Permit" means the official permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used.

(Added by Stats. 1939, Ch. 534; repealed and added by Stats. 1955, Ch. 1891.)

"Package" 12514. "Package" includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

(Added by Stats. 1955, Ch. 1891.)

"Person" 12515. "Person" includes any individual, firm, partnership, joint adventure, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(Added by Stats. 1955, Ch. 1891.)

"Exporter" 12516. "Exporter" includes any person who sells, consigns or delivers fireworks located within this State for delivery, use, or sale without this State.

(Added by Stats. 1955, Ch. 1891.)

"Importer" 12517. "Importer" includes any person who for any purpose:

(a) Brings fireworks into this State or causes fireworks to be brought into this State;

(b) Procures the delivery or receives shipments of any fireworks into this State; or

(c) Buys or contracts to buy fireworks for shipment into this State.

(Added by Stats. 1955, Ch. 1891.)

"Manufacturer" 12518. "Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

(Added by Stats. 1955, Ch. 1891.)

12519. "Wholesaler" includes any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale and shall also include any person who sells dangerous fireworks to public display permittees. "Wholesaler"

(Added by Stats. 1955, Ch. 1891.)

12520. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives fireworks to a consumer or user. "Retailer"

(Added by Stats. 1955, Ch. 1891.)

12521. "Salesman" includes any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks from a licensee or permittee. "Salesman"

(Added by Stats. 1955, Ch. 1891.)

12522. "Sell" or "transfer" includes contracts or orders for sales or transfers. "Sell" or "transfer"

(Added by Stats. 1955, Ch. 1891.)

12523. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of dangerous fireworks. "Pyrotechnic operator"

(Added by Stats. 1955, Ch. 1891.)

12524. "Within this State" means within all territory within the boundaries of this State. "Within this State"

(Added by Stats. 1955, Ch. 1891.)

12525. "Without this State" means all territory without the boundaries of this State. "Without this State"

(Added by Stats. 1955, Ch. 1891.)

12526. "The State Fire Marshal's Seal of Registration" means the Seal of Registration of the State Fire Marshal and consists of a series of concentric circles lettered as follows: "The State Fire Marshal's Seal of Registration"

Outer Circle

Upper Half: "REGISTERED"

Lower Half: "FIREWORKS"

Inner Circle

Upper Half: "STATE OF CALIFORNIA"

Lower Half: "STATE FIRE MARSHAL"

In the center shall appear five crossed trumpets.

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the State Fire Marshal to any registered classified fireworks manufacturer, importer, wholesaler, retailer, or other person or device governed by this part.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 2. ADMINISTRATION

(Chapter 2 added by Stats. 1955, Ch. 1891)

12550. The State Fire Marshal shall enforce and administer this part. Enforcement

(Added by Stats. 1955, Ch. 1891.)

Deputies and
employees

12551. The State Fire Marshal shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this part.

(Added by Stats. 1955, Ch. 1891.)

Rules and
regulations

12552. The State Fire Marshal may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property. The State Fire Marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of this part, for the granting of permits for, and the presentation of, public displays of fireworks.

(Added by Stats. 1955, Ch. 1891.)

Continuation
of existing
rules

12553. The rules and regulations adopted by the State Fire Marshal relating to fireworks and in existence on the effective date of this part shall continue thereafter to be in effect as rules and regulations of the State Fire Marshal until amended or repealed pursuant to the provisions of this part.

(Added by Stats. 1955, Ch. 1891.)

Deposit of
fees, etc.

12554. All money collected pursuant to this part shall be deposited in the General Fund.

(Added by Stats. 1955, Ch. 1891.)

Rules and
regulations:

12555. The State Fire Marshal, with the advice of the Fire Advisory Board, may adopt reasonable regulations providing for:

Licenses and
permits

(a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles.

(b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel.

(Added by Stats. 1959, Ch. 1135.)

CHAPTER 3. PERMITS

(Chapter 3 added by Stats. 1955, Ch. 1891)

Permits
required:

12600. No person, without securing a permit, shall do any of the following:

(a) Manufacture, import, export, possess, or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wild life control;

(b) Discharge dangerous fireworks any place;

(c) Make a public display of fireworks;

(d) Transport fireworks, except as a public carrier.

(Added by Stats. 1955, Ch. 1891.)

Application

12601. Any adult person or other group desiring to do any act mentioned in Section 12600 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county, or in the event there be no such officer or person appointed within the area, to the State Fire Marshal or his

appropriate deputy. Applications for permits shall be made in writing at least 10 days in advance of the proposed display.

(Added by Stats. 1955, Ch. 1891.)

12602. It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county.

Investigation
and report

(Added by Stats. 1955, Ch. 1891.)

12603. The governing body shall have power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as it shall prescribe.

Discretion
to grant
or deny

(Added by Stats. 1955, Ch. 1891.)

12604. A permit shall not be issued unless the person applying for the permit has first obtained a license from the State Fire Marshal, as provided in this part, to do the particular act or acts described in the permit. No license shall be required for the use or discharge of agricultural and wild life fireworks.

License
requirement

Exception

(Added by Stats. 1955, Ch. 1891.)

12605. It shall be the duty of the officer to whom the application for a permit for a public display of fireworks is made to make an investigation as to whether such a display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

Investigation

(Added by Stats. 1955, Ch. 1891.)

12606. The applicant for a permit for a public display of fireworks shall at the time of application submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this State. He shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved.

Inspection
of license

Compensation
insurance

Bond

(Added by Stats. 1955, Ch. 1891.)

12607. If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable.

Limitations
on permit

(Added by Stats. 1955, Ch. 1891.)

Amount of
bond and
insurance

12608. In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond shall be not less than ten thousand dollars (\$10,000), and the amount of such insurance shall be not less than twenty thousand dollars (\$20,000).

(Added by Stats. 1955, Ch. 1891.)

License
requirement

12609. No permit shall be granted under this chapter for any activity unless the person applying for the permit has obtained a valid license, if a license is required under this part for such activity.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 4. LICENSES

(Chapter 4 added by Stats. 1955, Ch. 1891)

Authority for
issuance, etc.

12650. The State Fire Marshal shall have the power to issue and renew licenses for the manufacture, importation, exportation, sale, use and transportation of all fireworks in this State.

(Added by Stats. 1955, Ch. 1891.)

Exceptions

12651. No license shall be required for the use or discharge of agricultural and wild life fireworks.

(Added by Stats. 1955, Ch. 1891.)

Application

12652. Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall first make a written verified application to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

(Added by Stats. 1955, Ch. 1891.)

Signatures

12653. The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

(Added by Stats. 1955, Ch. 1891.)

Renewal

12654. Application for renewal of a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this chapter.

(Added by Stats. 1955, Ch. 1891.)

Issuance

12655. If the State Fire Marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

(Added by Stats. 1955, Ch. 1891.)

Scope

12656. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person who are registered with the State Fire Marshal.

(Added by Stats. 1955, Ch. 1891.)

12657. The original and annual renewal license fee shall be as follows: Fees

Manufacturer -----	\$500
Importer and/or exporter -----	100
Wholesaler -----	1,000
Retailer (for each separate retail outlet) -----	5
Public display for dangerous fireworks -----	5
Pyrotechnic operator for dangerous fireworks -----	5
(Added by Stats. 1955, Ch. 1891.)	

12658. Beginning January 1, 1956, the original and annual renewal license fee shall be for the calendar year from January 1st to December 31st or for the remaining portion thereof. Term

(Added by Stats. 1955, Ch. 1891.)

12659. A penalty fee equal to 50 percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1st. Penalty fee

(Added by Stats. 1955, Ch. 1891.)

12660. Notwithstanding any of the other provisions of this part relating to public liability insurance and bonds, any adult individual, concern, firm, corporation, or copartnership may secure a general license for the public display of fireworks within the State of California subject to the provisions of this part relative to the securing of local permits for the public display of fireworks in any city or county, except that in lieu of filing the bonds or certificate of public liability insurance as required in Chapter 3 of this part, a surety bond similarly conditioned in the amount of twenty-five thousand dollars (\$25,000) or a certificate evidencing public liability insurance in a like amount shall be filed with the State Fire Marshal. The State Fire Marshal shall have the authority to issue such licenses, subject to such reasonable rules and regulations which he may adopt, not inconsistent with the provisions of this part. A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the public display of fireworks prior to the issuance thereof. General license
Surety bond
Rules and regulations
Certificate

(Added by Stats. 1955, Ch. 1891.)

12661. If the State Fire Marshal finds that the granting or renewing of a license would be contrary to public safety or welfare, he may deny the application for a license or a renewal of a license. Denial of application

(Added by Stats. 1955, Ch. 1891.)

12662. A written report of the State Fire Marshal, any of his deputies or salaried assistants, or the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for a renewal of a license, or the premises for which Report

a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license or the renewal of a license.

(Added by Stats. 1955, Ch. 1891.)

Hearing

12663. Any applicant who has been denied a license or a renewal of a license shall be entitled to a hearing in accordance with the provisions of this part.

(Added by Stats. 1955, Ch. 1891.)

Revocation
of license

12664. The State Fire Marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this part, if he finds that:

(a) A licensee has failed to pay the original and annual renewal license fee provided in this chapter.

(b) The licensee has violated any provisions of this part or any rule or regulations made by the State Fire Marshal under and with the authority of this part.

(c) The licensee has created or caused a fire nuisance.

(d) Any licensee has failed or refused to file any required reports.

(e) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the State Fire Marshal in refusing originally to issue such license.

(Added by Stats. 1955, Ch. 1891.)

Suspension
of license

12665. The State Fire Marshal may, upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

(Added by Stats. 1955, Ch. 1891.)

Conduct of
hearings

12666. Except where a shorter time for setting the hearing is prescribed in this part, all hearings under this part shall be conducted in accordance with Chapter 5 of Part 1, Division 3, Title 2 of the Government Code and in all cases the State Fire Marshal shall have all the powers granted therein.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 5. ENFORCEMENT

(Chapter 5 added by Stats. 1955, Ch. 1891)

Classification

12700. All fireworks, before being imported, exported, sold or offered for sale, shall be classified by the State Fire Marshal, in accordance with the provisions of this part, as being either "dangerous fireworks," "safe and sane fireworks," or "agricultural and wild life fireworks."

(Added by Stats. 1955, Ch. 1891.)

Submission
for classification

12701. No fireworks items shall be sold, offered for sale, discharged, or transported within the State without first having been classified and registered by the State Fire Marshal. Any licensee desiring to have "safe and sane" fireworks articles classified and registered by the State Fire Marshal shall submit to his office not less than three live samples of each item for which classification is desired together with a notarized chemical analysis of the materials of such samples.

Each item must be labeled as for sale and distribution together with firing instructions. Every fireworks article which has not been submitted for classification or which does not bear the classification label of the State Fire Marshal shall be considered to be "dangerous fireworks." All shipments shall be prepaid. Classification shall be limited to the products of licensed manufacturers, importers or wholesalers.

(Added by Stats. 1955, Ch. 1891.)

12702. The manufacturer, importer or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned or delivered within this State for sale or use within this State as "dangerous fireworks." Each package of safe and sane fireworks shall be marked as "safe and sane fireworks" and shall bear the State Fire Marshal's classification label and license number. Labels, etc.

(Added by Stats. 1955, Ch. 1891.)

12703. No "safe and sane" fireworks shall be sold or offered for sale at retail within this State except from 12 noon on the twenty-eighth of June to 12 noon on the sixth of July of each year. Sales period

(Added by Stats. 1955, Ch. 1891.)

12704. No "safe and sane" fireworks shall be sold or offered for sale at retail unless the fuses or other igniting devices are protected by approved protective caps or each item or group of items is enclosed or sealed in a package bearing the State Fire Marshal's Seal of Registration upon which the wholesaler's license number appears. Protective devices

(Added by Stats. 1955, Ch. 1891.)

12705. Toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound for each cap is used may be sold at all times unless prohibited by local ordinance. Toy pistols, etc.

(Added by Stats. 1955, Ch. 1891.)

12706. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property. Public displays

(Added by Stats. 1955, Ch. 1891.)

12707. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or by the State Fire Marshal or his authorized deputy therefor, if there be no chief of the fire department or chief fire prevention officer in the area. Supervision

(Added by Stats. 1955, Ch. 1891.)

12708. It shall be unlawful for any person to store fireworks of any class without first having made a written application for and received a permit for such storage to the chief of the fire department or to the chief fire prevention officer of the city or county in which the storage is to be made, or to the State Fire Marshal, or to such authorized deputy as Storage permit

may be designated for such purpose at least 10 days prior to the date of the proposed storage. If there is no chief of the fire department or chief fire prevention officer in the area, it shall be the duty of the officer to whom the application for a storage permit is made to make an investigation as to whether such storage as proposed will be of such a nature and character and will be so located as to constitute a hazard to property or be dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

(Added by Stats. 1955, Ch. 1891.)

Storage by
retailer

12709. It shall be unlawful for any person to store unsold stocks of safe and sane fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the local officer issuing the permit shall approve. Unsold stocks of safe and sane fireworks remaining after the authorized retail sales period from 12 a.m. on June 28th to 12 a.m. on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the chief of any city or county fire department or fire protection district, or to a place approved by the State Fire Marshal.

(Added by Stats. 1955, Ch. 1891.)

Sale follow-
ing revoca-
tion, etc.,
of license

12710. Following the revocation or voluntary surrender of, or failure to renew his license, any person in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks only under supervision of the State Fire Marshal and in such a manner as he shall by rule provide and solely to persons who are authorized to buy, possess, sell, or use such fireworks.

(Added by Stats. 1955, Ch. 1891.)

Seizure

12711. Any fireworks not bearing the seal of approval of the State Fire Marshal which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this part or the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any fireworks seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provisions of Section 12712, whichever is later.

(Added by Stats. 1955, Ch. 1891.)

Petition

12712. Any person whose fireworks are seized under the provisions of Section 12711 may within 10 days after such seizure petition the State Fire Marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 15 days after

filing and an oral hearing granted the petitioner if requested. Notice of the decision of the State Fire Marshal shall be served upon the petitioner. The State Fire Marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the State Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized by the State Fire Marshal.

(Added by Stats. 1955, Ch. 1891.)

12713. The State Fire Marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the State Fire Marshal.

Illegal
transporta-
tion

In the event that the State Fire Marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under Section 585 of the Vehicle Code, and the keeper of any garage in which any such vehicle is stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Section 585 of the Vehicle Code.

Seizure

Lien for
storage

(Added by Stats. 1955, Ch. 1891.)

12714. The State Fire Marshal may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this part. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Inspection

(Added by Stats. 1955, Ch. 1891.)

12715. All licensees shall maintain and make available to the State Fire Marshal full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class whether dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

Records

(Added by Stats. 1955, Ch. 1891.)

12716. When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made

Time of
filing or
payments

at the time they are filed with or paid to the State Fire Marshal or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

(Added by Stats. 1955, Ch. 1891.)

Supplemental
reports

12717. In addition to any other reports required under this part, the State Fire Marshal may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

(Added by Stats. 1955, Ch. 1891.)

Invoice, etc.:
license
number

12718. Each bill of lading, manifest, and invoice issued to cover sales or shipments of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

(Added by Stats. 1955, Ch. 1891.)

CHAPTER 6. PROHIBITIONS

(Chapter 6 added by Stats. 1955, Ch. 1891)

Sale, etc., of
unclassified
fireworks

12750. The sale, transportation, possession, or discharge of unclassified fireworks is prohibited.

(Added by Stats. 1955, Ch. 1891.)

Transfers

12751. The transfer of dangerous fireworks ownership, whether by sale at wholesale or retail, by gift or other means of conveyance of title or the delivery of any dangerous fireworks to any person in the State who does not possess and present to the seller for inspection at the time of transfer a valid license and permit, where such permit is required to purchase, possess, transport, or use dangerous fireworks, is prohibited.

(Added by Stats. 1955, Ch. 1891.)

Possession

12752. The unlawful possession of any class or kind of fireworks in violation of the provisions of this part shall be a misdemeanor.

(Added by Stats. 1955, Ch. 1891.)

Unmarked
fireworks

12753. Possession of fireworks unmarked with the manufacturer's license number and the State Fire Marshal's classification as required by this part shall be prima facie evidence of a violation of this part.

(Added by Stats. 1955, Ch. 1891.)

Local
ordinances

12754. Nothing in this part, or the permits issued under it, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or ordinance.

(Added by Stats. 1955, Ch. 1891.)

Forest
lands, etc.

12755. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

(Added by Stats. 1955, Ch. 1891.)

12756. No person shall transport, convey, or deliver any dangerous fireworks or agricultural and wild life fireworks except for licensed permittees making delivery to: Transportation

(a) Other licensed permittees;
(b) Locations of public displays of fireworks authorized under this part;

(c) Distributors outside this State; or

(d) Agricultural or wild life permittees.

(Added by Stats. 1955, Ch. 1891.)

12757. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other Class 1 flammable liquids are stored or dispensed or where more than four motor vehicles are stored. Garages

(Added by Stats. 1955, Ch. 1891.)

12758. No person shall sell or transfer any "dangerous fireworks" to any person who is not a fireworks permittee as provided for by this part. Sales or transfers

(Added by Stats. 1955, Ch. 1891.)

12759. No person shall sell or transfer any "safe and sane fireworks" to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued. Same

(Added by Stats. 1955, Ch. 1891.)

12760. No person shall allow any rubbish to accumulate in any premises when any fireworks are stored or sold or permit a fire nuisance to exist. Rubbish

(Added by Stats. 1955, Ch. 1891.)

12761. This part does not prohibit any manufacturer, wholesaler, dealer or jobber, having a license and a permit secured under the provisions of this part, from: Exceptions

(a) Manufacturing or selling any kind of fireworks for direct shipment out of this State.

(b) Manufacturing or selling at wholesale any dangerous fireworks to persons holding permits hereunder.

(c) Selling blank cartridges for use by persons for bona fide ceremonial purposes, athletic or sports events, or military ceremonials or demonstrations.

(d) Selling dangerous fireworks to persons having a license and a permit for public displays of fireworks.

(Added by Stats. 1955, Ch. 1891.)

12762. This part does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination. Same

(Added by Stats. 1955, Ch. 1891; amended by Stats. 1959, Ch. 1135.)

12763. This part does not prohibit the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks. Same

(Added by Stats. 1955, Ch. 1891.)

Same

12764. The provisions of this part do not apply to research or experiments with rockets or missiles, or the production, transportation, or firing of rockets or missiles, by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract which it has with the Department of Defense for the development or production of rockets or missiles.

(Added by Stats. 1959, Ch. 1135.)

CHAPTER 7. PENALTIES

(Chapter 7 added by Stats. 1955, Ch. 1891)

Misdemeanors

12800. Any person violating any of the provisions of this part or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

(Added by Stats. 1955, Ch. 1891.)

Offenses

12801. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this part.

(Added by Stats. 1955, Ch. 1891.)

DIVISION 12. FIRES AND FIRE PROTECTION

PART 1. GENERAL PROVISIONS

CHAPTER 1. LIABILITY IN RELATION TO FIRES

Control of fire

13000. Every person is guilty of a misdemeanor who allows a fire kindled or attended by him to escape from his control or to spread to the lands of any person other than the builder of the fire without using every reasonable and proper precaution to prevent the fire from escaping.

Lighted cigarettes, etc.

13001. Every person is guilty of a misdemeanor who throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

(Amended by Stats. 1945, Ch. 994.)

Throwing from moving vehicle

13002. Every person is guilty of a misdemeanor who throws from a moving vehicle any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire.

13003. Every person is guilty of a misdemeanor who uses any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain, or stubble land, unless the engine or boiler is provided with adequate devices to prevent the escape of fire or sparks and unless he uses every reasonable precaution to prevent the causing of fire thereby.

Use of locomotive, etc., without spark device

13004. Every person is guilty of a misdemeanor who harvests grain or causes it to be harvested by means of a combined harvester, header, or stationary threshing machine, or who bales hay by means of a hay press, unless he keeps at all times in convenient places upon each machine or press, two suitable chemical fire extinguishers, each of a capacity of not less than two and one-half gallons and fully equipped and ready for immediate use, or two back-pack or pump-type water extinguishers of not less than four-gallon capacity, fully equipped, filled with water and ready for immediate use.

Use of harvester without fire extinguisher

(Amended by Stats. 1945, Ch. 994, and by Stats. 1955, Ch. 815.)

13005. Every person is guilty of a misdemeanor who operates or causes to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine, or auto truck in harvesting or moving grain or hay, or who moves any tractor, engine, machine or auto truck in or near any grain or grass lands, unless there is attached to the exhaust an effective device for arresting burning carbon and sparks.

Operation of tractors, etc., without spark devices

13006. Every person is guilty of a misdemeanor who, at the burning of a building, does any of the following:

Preventing extinguishment of fire, etc.

(a) Disobeys the lawful orders of any public officer or fireman.

(b) Offers any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the fire.

(c) Engages in any disorderly conduct calculated to prevent the fire from being extinguished.

(d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.

13007. Any person who personally or through another willfully, negligently, or in violation of law, sets fire to, allows fire to be set to, or allows a fire kindled or attended by him to escape to, the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire.

Liability

(Added by Stats. 1953, Ch. 48, as part of codification.)

13008. Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire.

Same

(Added by Stats. 1953, Ch. 48, as part of codification.)

Payment
of costs

13009. The expenses of fighting any fires mentioned in Sections 13007 and 13008 are a charge against any person made liable by those sections for damages caused by such fires. Such charge shall constitute a debt of such person, and is collectible by the person, or by the federal, state, county, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

(Added by Stats. 1953, Ch. 48, as part of codification.)

Exclusion
of actions

13010. Sections 13007, 13008, and 13009 of this code do not apply to nor affect any rights, duties, or causes of action in existence and accruing prior to August 14, 1931.

(Added by Stats. 1953, Ch. 48, as part of codification.)

CHAPTER 2. FIRE EQUIPMENT

Article 1. Standard Equipment

Standard
threads
for fire
equipment

13025. All equipment for fire protective purposes, purchased by any authorities having charge of public property, shall be equipped with the standard threads for fire hose couplings and hydrant fittings designated as the National standard as adopted by the National Board of Fire Underwriters, which standard is designated as the standard for such equipment in this State.

Exception

13025.5. Notwithstanding the provisions of Section 13025 of this code, equipment for fire protective purposes which is equipped with one-and-one-half-inch (1½-inch) threaded hose fittings may, for a period of five years after the effective date of this section, be used by authorities having charge of public property and may be used by public fire protection agencies. After the expiration of that period all equipment used must conform to the requirements of Section 13025 of this code.

(Added by Stats. 1957, Ch. 2357.)

Authority of
State Fire
Marshal

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment throughout the State. The State Fire Marshal shall procure and make available to fire departments of governmental agencies such rethreading equipment and tools as are necessary to convert one-and-one-half-inch (1½-inch) threaded fittings to the National Standard thread.

(Amended by Stats. 1943, Ch. 782, and by Stats. 1957, Ch. 2357.)

Notice and
assistance
to property
owners

13027. The State Fire Marshal shall notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with, and shall render them such assistance as may be available in converting their equipment to, standard requirements.

Unlawful
sale

13028. Any person who sells or offers for sale any fire hose, hydrant, fire engine or other equipment with threaded parts, for fire protective purposes, unless it is fitted and equipped with the standard thread for fire hose couplings and hydrant

fittings is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment in the county jail for not less than five or more than 30 days, or by both. Penalty

Article 2. Use of Fire Equipment

13050. The apparatus, equipment and fire fighting force of any city, or city and county, or of any county fire protection district may be used for the purpose of extinguishing any fire which occurs: Use of city fire equipment outside city

(a) In any city, or city and county, or in any county fire protection district, which is of such proportions that it can not be adequately handled by the fire department of the city, or city and county, or the county fire protection district.

(b) Outside the limits of any city, or city and county, or any county fire protection district.

13051. The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing fire fighting services, constitutes a charge against the city, city and county, or the county fire protection district in which the fire occurs, or if the fire occurs outside the boundaries of any city, city and county, or any county fire protection district, a charge against the county in which the fire occurs. Charge

13052. The entity rendering the service shall present a claim to the entity liable therefor, in accordance with predetermined schedules of payments agreed upon by the respective entities. If the claim is approved by the head of the fire department, if any, in the entity to which presented, and by its governing body, it shall be paid in the same manner as other charges and if not paid an action may be brought for its collection. Payment

13052.5. The governing board of any county fire protection district may contract with any city contiguous to the district for the furnishing of fire protection to the district by such city, and the legislative body of any city may contract for the furnishing of fire protection to the district in such manner and to such extent as the legislative body may deem advisable. Contracts

All of the privileges and immunities from liability which surround the activities of any city fire fighting force or department when performing its functions within the territorial limits of the city shall apply to the activities of any city fire fighting force or department while furnishing fire protection outside the city under any contract with a county fire protection district pursuant to this section.

(Added by Stats. 1953, Ch. 48, as part of codification.)

13053. Whenever a fire occurs in any county or within the boundaries of any National forest which is of such proportions that it can not be adequately handled by the forestry department or fire warden of the county or the facilities of the Use of county fire equipment outside county

Division of Forestry of the State or of the United States Forest Service, the personnel, equipment, and fire fighting facilities of any county may be authorized by the State forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

Payment 13054. Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Division of Forestry of the State or the United States Forest Service, as the case may be.

Use of fire in abatement 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the State Division of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.

(Added by Stats. 1959, Ch. 353.)

PART 2. FIRE PROTECTION

CHAPTER 1. STATE FIRE MARSHAL

Article 1. General

(Article heading added by Stats. 1945, Ch. 1173)

State Fire Marshal 13100. There is in the State Government the office of the State Fire Marshal.

Functions 13100.1. The functions of the office shall be to foster, promote and develop ways and means of protecting life and property against fire and panic.

(Added by Stats. 1945, Ch. 1173.)

Appointment 13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. In order to be eligible for appointment, he shall have had not less than eight years experience in a regularly organized fire department in this State. He shall be paid the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

Salary (Amended by Stats. 1941, Ch. 756, by Stats. 1945, Ch. 1173 and Ch. 1185, by Stats. 1947, Ch. 1389, and by Stats 1951, Ch. 1613.)

Assistants 13102. The State Fire Marshal may employ such salaried office and field assistants as he may consider necessary.

Deputies 13103. The State Fire Marshal may appoint such assistant or deputy State fire marshals as he may consider necessary from among active chiefs of fire departments, city fire marshals, and his salaried field assistants.

The State Fire Marshal and the assistant or deputy State fire marshals shall exercise the functions of police officers.

13104. The State Fire Marshal shall aid in the enforcement of all laws and ordinances and any rules and regulations adopted under the provisions of this chapter relating to fires or to fire prevention and protection. Enforcement of fire laws

He shall, if possible, attend, and take charge of and protect all property which may be imperiled by any fire other than: Attendance at fires

(a) A forest, brush, or grain fire.

(b) A fire occurring within any city or town maintaining a fire department, within a county fire protection district, or within a county where there is a regularly appointed county fire warden.

(Amended by Stats. 1945, Ch. 1173.)

13104.5. Except on property which has been deeded to the State for taxes, the State Fire Marshal may abate fire hazards existing on property owned, controlled, or held in trust by the State, in areas not under the jurisdiction of the State Forester, upon the request of the legislative body of the city, county, or city and county within which the property is situated. The cost of the abatement shall be paid out of any money in the State Treasury appropriated for that purpose. Abating fire hazards on State property

(Added by Stats. 1939, Ch. 693.)

13104.6. The State Fire Marshal may determine the existence of a fire hazard on any property which has been deeded to the State for taxes and may serve a written notice of condemnation of the fire hazard on the State Controller, or on any person designated by the Controller. The fire hazard is then subject to removal in accordance with the law relating to removal of public nuisances on tax-deeded property. Fire hazard on tax-deeded property

(Added by Stats. 1939, Ch. 693.)

13105. He shall encourage the adoption of fire prevention measures by means of education, and shall prepare or cause to be prepared for dissemination information relating to the subject of fire prevention and extinguishment. Encouragement of fire prevention

13105.5. The State Fire Marshal may periodically compile and publish in looseleaf form the laws relating to firemen and fire protection and control. Each legislative year, he may publish amendments and additions thereto. Copies of the compilations and amendments shall be distributed at cost in accordance with a procedure developed by him. Publication of laws

(Added by Stats. 1955, Ch. 419.)

13106. During the existence of a fire, the State Fire Marshal may protect any property which is affected thereby until the arrival of the owner or claimant. If the owner or claimant does not take charge of the property within 24 hours, the State Fire Marshal may store it at the owner's or claimant's expense. Protection of property

13107. If there is reason to believe that any fire has resulted from crime or that crime has been committed in connection with any fire, the State Fire Marshal shall report that fact in writing Reports to district attorney

to the district attorney of the county in which the fire occurred. If the fire occurred in a city or county having a regularly organized fire department, such investigations and reports shall be made in conjunction with the fire official of that area.

(Amended by Stats. 1945, Ch. 1173.)

Rules and
regulations

13108. The State Fire Marshal shall make and enforce orders, rules, and regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any State institution.

(Amended by Stats. 1943, Ch. 782, and by Stats. 1945, Ch. 1173.)

Inspection

13109. The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

(Amended by Stats. 1943, Ch. 782, and by Stats. 1945, Ch. 1173.)

Reports to
Governor

13110. The State Fire Marshal shall submit monthly and annual reports to the Governor.

Funds and
appro-
priations

13111. The State Fire Marshal's Fund shall be discontinued on the first day of the month following the effective date of this section. The unexpended money in the fund shall thereafter be transferred to the General Fund. The cost of enforcing this chapter and any other laws in which the State Fire Marshal is designated as the enforcing officer or agent shall be paid for out of funds appropriated from the General Fund for that purpose.

Any appropriation heretofore or hereafter made payable out of the State Fire Marshal's Fund, on and after the first day of the month following the effective date of this section, shall be payable out of the General Fund.

Any appropriations heretofore or hereafter made to the Division of Fire Safety in the Department of Industrial Relations shall be deemed to have been made to the Office of the State Fire Marshal.

(Added by Stats. 1939, Ch. 105; amended by Stats. 1945, Ch. 1173.)

13111.1. The office of the State Fire Marshal may expend money appropriated for the administration of the laws, the enforcement of which is committed to the office. Such expenditures by the office shall be made in accordance with law in carrying on the work for which such appropriations were made. Expenditures

(Added by Stats. 1945, Ch. 1173.)

13111.2. The State Fire Marshal is the head of a department within the meaning of Chapter 2, Part 1, Division 3, Title 2, of the Government Code. Head of department

13112. Every person who violates any provision of this chapter, or any order, rule, or regulation made pursuant to this chapter, is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not less than 30 nor more than 180 days, or by both. Penalty

A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

13113. No person, firm, or corporation shall establish, maintain, or operate any children's home, children's nursery, or institution, or a home or institution for the care of aged and senile persons, or any sanitarium or institution for insane or mentally retarded persons wherein more than six guests or patients are housed or cared for on a 24-hour-per-day basis unless there is installed and maintained in an operable condition in every building or portion thereof where patients or guests are housed either a heat-activated fire alarm system or automatic sprinkler system of a type approved by the State Fire Marshal. The provisions of this section shall apply to all new occupancies on the effective date of this section and shall apply to existing occupancies after January 1, 1957. This section shall not apply to such institutional occupancies where the buildings are of a fire-resistive construction. "Fire-resistive construction," as used in this section, shall mean a building of Type I or Type II construction as designated in the Basic Building Design and Construction Standards of the State Fire Marshal. Children's home, sanitariums, etc.:
Automatic sprinkler systems, etc.

This section does not prevent the State Fire Marshal, with the written approval of the chief fire official of the city, county or district, from exempting individual buildings from the provisions of this section if fire safety substantially equivalent to that specified in this section has been provided.

(Added by Stats. 1955, Ch. 1480; amended by Stats. 1957, Ch. 439. In effect May 21, 1957.)

13114. The State Fire Marshal shall adopt necessary rules and regulations for the approval and listing of fire alarm and automatic sprinkler systems substantially consistent with the Rules and regulations

Standards of Installation, Maintenance and Use of Proprietary, Auxiliary and Local Protective Signaling Systems published by the National Fire Protection Association as N. F. P. A. Pamphlet No. 72, June, 1952.

(Added by Stats. 1955, Ch. 1480.)

Local
ordinances

13114.5. The governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by Sections 13113 and 13114.

(Added by Stats. 1955, Ch. 1480.)

Use of non-
inflammable
material for
tents, etc.

13115. It is unlawful for any person, firm or corporation to establish, maintain or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement or offering or other place of assemblage in or under which 10 or more persons may gather for any lawful purpose, in any tent, awning or other fabric enclosure unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. This paragraph shall not apply to tents used to conduct committal services on the grounds of a cemetery, nor to tents, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.

"Flame-
retardant"

"Flame-retardant" as used herein means treated by a flame-retardant solution or process approved by the State Fire Marshal, that will render the fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

(Added by Stats. 1945, Ch. 727; amended by Stats. 1947, Ch. 800.)

Regulations
re use of
tents, etc

13116. The State Fire Marshal is hereby authorized and directed to prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and panic in connection with the use of tents, awnings or other fabric enclosures.

(Added by Stats. 1945, Ch. 727.)

Labeling
flammable
solvent

13118. All solvents offered for sale at retail having a flash point below 120 degrees F., closed cup test, shall have on the container a label, in legible type in contrast with the background of said label, words indicating that said solvent is flammable.

Violation

Any person, firm or corporation in violation of the provisions of this section shall be guilty of a misdemeanor.

Operative
date

This act shall not become effective until July 1, 1948.

(Added by Stats. 1947, Ch. 1030.)

Use of non-
inflammable
material
for drapes,
curtains,
etc., in place
of public
assemblage

13119. It is unlawful for any person, firm or corporation to establish, maintain or operate any night club, restaurant, cafe or any similar place where alcoholic liquors are sold for consumption on the premises, or any dance hall, skating rink, theater, motion picture theater, auditorium, school, or any other place of public assemblage used, or intended for use, as a place of

amusement, entertainment, instruction, display, or exhibition, unless all drapes, hangings, curtains, drops and all other similar decorative materials that would tend to increase the fire or panic hazard, are made from a nonflammable material, or are treated and maintained in a flame-retardant condition as defined in Section 13115. The provisions of this section shall not apply to portions of the premises which are not a part of and are not directly connected with that portion of the premises used for any of the above purposes.

(Added by Stats. 1947, Ch. 1549.)

13120. The State Fire Marshal shall establish minimum standard requirements, and shall adopt such rules and regulations as are deemed necessary by him to properly regulate the manufacture, sale and application of flame-retardant chemicals and the sale of flame-retardant treated fabrics or materials used or intended for use in connection with any occupancy mentioned in Sections 13115 and 13119.

Minimum
standard
requirements.
Rules and
regulations

(Added by Stats. 1947, Ch. 1549.)

13121. The State Fire Marshal shall, before approving any flame-retardant chemical, fabric or material, require that such flame-retardant chemicals and flame-retardant fabrics or materials be submitted to a laboratory approved by him for test in accordance with the standards established pursuant to Section 13120.

Laboratory
tests

(Added by Stats. 1947, Ch. 1549.)

13122. The State Fire Marshal shall promulgate and make available at cost of printing at least once each year a list of the flame-retardant chemicals, flame-retardant fabrics or materials, and flame-retardant application concerns approved by him. He may, without cost, furnish a single copy of such list to each flame-retardant chemical and application concern that is registered and approved by him and to all California fire officials.

List of
approved
flame-
retardant
chemicals,
etc.

(Added by Stats. 1947, Ch. 1549; amended by Stats. 1951, Ch. 1290.)

13123. The State Fire Marshal shall remove from his approved list the name of any flame-retardant chemicals, flame-retardant fabric or material or any flame-retardant application concern where he finds after a hearing that any of the following causes exists:

Removal
from ap-
proved list

(a) Selling or offering for sale a flame-retardant chemical or a flame-retardant material that is inferior to that submitted for test and approval.

(b) Distributing or disseminating or causing to be distributed or disseminated, misleading or false information with respect to any flame-retardant chemical, fabric or material.

(c) Changing the flame-retardant chemical formula or methods of flame-retardant treatment without first notifying the State Fire Marshal of such change and obtaining approval of same.

(d) Using other than chemicals shown on the State Fire Marshal's approved list.

(e) Using chemicals for the treatment of materials for which they have not been approved.

(f) Failure to adequately and properly treat a fabric or material to make it fire-resistant to the extent that it will successfully pass the fire-resistant tests established by the State Fire Marshal.

(g) Violating any minimum standard or any rule or regulation adopted pursuant to Section 13120.

Procedure

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Fire Marshal shall have all the powers granted therein. Pending hearing and decision the State Fire Marshal may temporarily remove any name from his approved list for a period not to exceed 30 days, if he finds that such action is required in the public interest. In any such case the order of temporary removal shall be effective upon notice to the persons affected thereby, and a hearing shall be held and a decision issued within 30 days after such notice.

(Added by Stats. 1947, Ch. 1549.)

Restoration
to list

13124. The name of any chemical, chemical concern or flame-retardant application concern whose name has been removed from the approved list shall not again be restored to the approved list for a period of 90 days from the date of such removal.

(Added by Stats. 1947, Ch. 1549.)

New appli-
cation

13125. The name of any chemical, chemical concern or flame-retardant application concern shall not be restored to the approved list until a new application, accompanied by a new registration fee, has been filed with the State Fire Marshal.

(Added by Stats. 1947, Ch. 1549.)

Rules and
regulations

13126. With the advice of the State Fire Advisory Board, the State Fire Marshal shall prepare and adopt rules and regulations establishing minimum standards and specific procedures for the approval of flame-retardant chemicals, flame-retardant materials and flame-retardant applicator concerns whose names are to appear on the approved list.

(Added by Stats. 1947, Ch. 1549.)

Application

13127. Any chemical manufacturing concern, or any flame-retardant application concern, or any concern marketing a flame-retardant fabric or material who desires to have their name appear on the approved list shall first make application to the State Fire Marshal on forms provided by him. Such applications shall be accompanied by the registration fee as follows:

Fees

(a) The original and annual renewal registration fee for approval and listing of one flame-retardant chemical for an individual concern shall be one hundred fifty dollars (\$150). The original and annual renewal fee for each additional flame-retardant chemical approved and listed for an individual concern shall be thirty dollars (\$30.)

(b) The original and annual renewal registration fee for approval and listing of one flame-retardant fabric or material for an individual concern shall be one hundred fifty dollars (\$150). The original and annual renewal registration fee for each additional flame-retardant fabric or material approved and listed for an individual concern shall be thirty dollars (\$30).

(c) The original and annual renewal registration fee for a flame-retardant application concern shall be fifty dollars (\$50).

(Added by Stats. 1947, Ch. 1549.)

13128. The annual and renewal registration fee shall be for the fiscal year period from July 1st to June 30th or for the remaining portion thereof.

Fiscal year
period

(Added by Stats. 1947, Ch. 1549.)

13129. The State Fire Marshal shall remove from the approved list the names of all chemicals, chemically treated fabrics or materials and the names of all flame-retardant applicator concerns who have not paid their renewal registration fee prior to August 1st of each year.

Removal
from list for
failure to
pay fee

(Added by Stats. 1947, Ch. 1549.)

13130. All money collected pursuant to this chapter shall be deposited in the General Fund.

Revenues

(Added by Stats. 1947, Ch. 1549.)

Article 2. The State Fire Advisory Board

(Article 2 added by Stats. 1945, Ch. 1173)

13140. There is hereby created in the office of the State Fire Marshal a State Fire Advisory Board of eleven, who shall act in an advisory capacity to the State Fire Marshal in establishing minimum standards for the protection of life and property against fire and panic and for the coordination of activities in the State Fire Marshal's office with those of local governmental agencies.

State Fire
Advisory
Board

(Added by Stats. 1945, Ch. 1173.)

13140.5. No person shall be appointed to or retain membership on the board who is not a regular member of a regularly organized governmental fire department or agency.

Qualifi-
cations

(Added by Stats. 1945, Ch. 1173.)

13140.6. A quorum of the board shall consist of not less than six regular members of the board.

Quorum

(Added by Stats. 1945, Ch. 1173.)

13140.7. The State Fire Marshal shall act as chairman of the board.

Chairman

(Added by Stats. 1945, Ch. 1173.)

13141. The board shall meet at the call of the State Fire Marshal and shall be paid actual and necessary traveling expenses.

Meetings

(Added by Stats. 1945, Ch. 1173.)

13141.1. All meetings of the board shall be open and public.

Same

(Added by Stats. 1957, Ch. 2221.)

- Records** 13141.2. All records of the board shall be open to inspection by the public during regular office hours.
(Added by Stats. 1957, Ch. 2221.)
- Appointment** 13142. The members of the State Fire Advisory Board shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor.
(Added by Stats. 1945, Ch. 1173.)
- Standards for fire prevention** 13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt rules and regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where fifty (50) or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction or education. Rules and regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire resistive qualities of the building or structure and the type of occupancy for which it is to be used. The rules and regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this section. Violation of any rule or regulation shall be deemed to be in violation of this chapter.
- Advice of Department of Education** In preparing and adopting rules and regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No rule or regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Division of Architecture of the Department of Public Works under Article 3 of Chapter 3 of Division 9 of the Education Code.
(Added by Stats. 1945, Ch. 1173; amended by Stats. 1949, Ch. 1403.)
- Conflict**
- Fire and panic regulations** 13144. The State Fire Marshal shall prepare in book or bulletin form excerpts of the laws, rules, and regulations dealing with fire and panic safety and may make single copies of such laws, rules, and regulations available, without cost, to California fire officials and to owners and managers of establishments governed by such laws, rules, and regulations.
(Added by Stats. 1945, Ch. 1173; amended by Stats. 1951, Ch. 1290.)

13144.1. The State Fire Marshal shall periodically prepare and publish in bulletin form lists of materials and equipment and methods of construction and of installation of equipment which are in conformity with fire and panic safety standards provided by Title 19 of the California Administrative Code. Bulletins

Copies of such bulletins shall be distributed at cost by the State Fire Marshal to persons who have filed written requests for such bulletins.

(Added by Stats. 1959, Ch. 1634.)

13145. The State Fire Marshal, the chief of any city or county fire department or fire protection district and their authorized representatives may, and in counties with a population over 220,000, shall enforce in their respective areas, rules and regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic. Enforcement of regulations

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1959, Ch. 1891.)

13146. The division of authority for enforcement of such rules and regulations shall be as follows: Division of authority

(a) The chief of any city or county fire department or fire protection district, and their authorized representatives, shall enforce the rules and regulations in their respective areas.

(b) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(c) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.

(Added by Stats. 1945, Ch. 1173; amended by Stats. 1959, Ch. 1891.)

13146.3. The chief of any city or county fire department or fire protection district and his authorized representatives may, and in counties with a population over 220,000, shall inspect every building used as a public or private school within his jurisdiction, for the purpose of enforcing such rules and regulations, not less than once each year. The State Fire Marshal and his authorized representatives shall make such inspections not less than once each year in areas outside of corporate cities and county fire protection districts. Inspection of schools

(Added by Stats. 1959, Ch. 1891.)

13146.5. The provisions of Sections 13145, 13146 and 13146.3 shall, so far as practicable, be carried out at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or fire protection district, and shall not be carried out by other persons pursuant to Section 34004 of the Government Code. Enforcement at local level

(Added by Stats. 1959, Ch. 1891.)

CHAPTER 2. CLOTHES CLEANING ESTABLISHMENTS

Article 1. Definitions

Definitions

13201. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

"Volatile and inflammable product" and "solvent"

13202. "Volatile and inflammable product" and "solvent" mean any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

"Volatile, commercially moisture-free solvent"

13203. "Volatile, commercially moisture-free solvent" means either of the following:

(a) Any commercially moisture-free liquid, volatile product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor.

(b) Any solvent commonly known to the clothes cleaning industry as a "chlorinated hydrocarbon solvent."

(Amended by Stats. 1941, Ch. 571.)

"140-F solvent"

13203.1. "140-F solvent" shall mean a volatile and commercially moisture-free solvent meeting the following minimum specifications and which is listed as such by a nationally recognized laboratory:

Flash point-----Not less than 59.00 degrees Centigrade or (Tag closed tester) 138.2 degrees Fahrenheit

Initial boiling point---Not lower than 181 degrees Centigrade or 357.8 degrees Fahrenheit

Ignition temperature---Not less than 234 degrees Centigrade or 453.2 degrees Fahrenheit

Lower limit of

explosive range----Not less than 0.8 percent by volume in air at an initial temperature of 150 degrees Centigrade or 302.0 degrees Fahrenheit

(Added by Stats. 1949, Ch. 1051.)

"Cleaning" and "dry cleaning"

13204. "Cleaning" and "dry cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, immersion only, or by a dipping or spraying process, in a volatile, commercially moisture-free solvent, or by the use of a volatile and inflammable product, or a commercially moisture-free solvent of the chlorinated hydrocarbon type, applied either manually or by means of a mechanical appliance or device.

"Spraying"

"Spraying" as used in this section shall not apply to any spotting process.

(Amended by Stats. 1953, Ch. 454.)

"140-F dry cleaning process"

13204.1. "140-F dry cleaning process" shall mean a dry cleaning process employing a complete dry cleaning unit or units that are approved and listed for safe operation with an approved commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.2 degrees Fahrenheit by a labora-

tory nationally recognized as properly equipped to make the designation.

(Added by Stats. 1949, Ch. 1051.)

13205. "Dyeing" means the process of coloring wearing apparel, feathers, furs, hats, fabrics, or textiles by the use of aniline dyes, mordants, acid, and steam.

13206. "Clothes cleaning establishment," "cleaning and dyeing establishment," and "establishment" mean any building, room, or premises equipped to perform the service of cleaning, dry-cleaning, processes incidental to cleaning or dry-cleaning, or dyeing. Establishment

13207. "Wash room" means any building or room used for any one, or any combination, of the following purposes: "Wash room"

(a) Cleaning.

(b) Dyeing.

(c) Removing or extracting any volatile, commercially moisture-free solvent from wearing apparel, feathers, furs, hats, fabrics, or textiles that have been cleaned in such solvent.

(d) Clarifying, filtering, distilling, purifying, washing, or cleaning a volatile, commercially moisture-free solvent or volatile and inflammable product.

13208. "Dust wheel" or "tumbler" means any wheel or machinery suitable for drying, deodorizing, or removing dust or fumes from wearing apparel, feathers, furs, hats, fabrics, or textiles. "Dust wheel" or "tumbler"

13209. "Drying and deodorizing room" means any building or room containing one or more dust wheels, tumblers, or metallic drying cabinets in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried or deodorized. "Drying and deodorizing room"

13210. "Drying room" means any building or room containing steam pipes in which wearing apparel, feathers, furs, hats, fabrics, or textiles that have been subjected to a cleaning or dyeing process are dried. "Drying room"

13211. "Solvent treatment room" means any building or room used exclusively for clarifying, filtering, distilling, redistilling, settling, washing, or otherwise cleaning or renovating any volatile and inflammable product or volatile, commercially moisture-free solvent. "Solvent treatment room"

13212. "Store room" means any building or room in which any volatile and inflammable product or solvent is kept or stored. "Store room"

13213. "Motor room" means any building or room in which a motor is installed and operated. "Motor room"

13214. "Spotting and sponging room" means any building or room used exclusively for cleaning by local application, other than by a process of scrubbing or brushing in which more than one gallon of a volatile and inflammable solvent is employed. "Spotting and sponging room"

13215. "Boiler room" means any building or room in which is maintained, kept, or operated any appliance, machin- "Boiler room"

ery, or apparatus for the generation of steam or the heating of water, having a capacity of eight horsepower or more in any one unit according to the American Society of Mechanical Engineers' or other standard rating.

(Amended by Stats. 1939, Ch. 634, and by Stats. 1941, Ch. 569.)

13216. "Hazardous room" means any of the following:

"Hazardous room"

- (a) Wash room.
- (b) Drying and deodorizing room.
- (c) Drying room.
- (d) Solvent treatment room.
- (e) Store room.
- (f) Motor room.
- (g) Spotting and sponging room.

(Amended by Stats. 1949, Ch. 1051.)

13217. "Hazardous building" means any building containing one or more hazardous rooms.

"Hazardous building"

13218. "Approved" means approved by the State Fire Marshal.

"Approved"

13219. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants.

"Operate"

Article 2. Administration

13250. The State Fire Marshal shall enforce and administer this chapter.

Enforcement

(Amended by Stats. 1949, Ch. 1051.)

13251. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter.

Employees

13252. The State Fire Marshal may prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire menace, and for the promotion of the occupational security of the operators in the establishments.

Rules and regulations

As used in this section, "occupational security" means an operating condition which is as free as is industrially practicable from any agency that might contribute to bodily injury or impairment.

"Occupational security" defined

13253. The State Fire Marshal shall abate every fire nuisance in a clothes cleaning establishment pending a hearing before him thereon. The cost of an abatement is assessable against the owner of the establishment in which the nuisance abated was maintained.

Abatement of fire nuisances

As used in this section, "fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an

"Fire nuisance" defined

obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.

13254. For the purpose of enforcing this chapter, the State Fire Marshal or his representatives may enter and inspect any clothes cleaning establishment during customary business hours, or at any time when the establishment is in operation. The owner, lessee, manager, or operator of the establishment shall permit the State Fire Marshal or his representatives to enter and inspect it at the times and for the purpose stated in this section.

Article 3. Permits

(Heading amended by Stats. 1949, Ch. 1051)

13300. Unless he has made application to and obtained a permit therefor from the State Fire Marshal, no person shall do any of the following: Permit required

- (a) Establish or operate a clothes cleaning establishment.
- (b) Alter or reconstruct any building, machinery, equipment, or apparatus in an existing clothes cleaning establishment.

(c) Cleanse wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning process.

(d) Keep or store any volatile and inflammable product in any building or room in which a cleaning process is performed.

(Amended by Stats. 1949, Ch. 1051.)

13301. An application for a permit shall be made at the office of the State Fire Marshal. Application

(Amended by Stats. 1949, Ch. 1051.)

13302. Every person who applies for a permit to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is used a volatile, commercially moisture-free solvent of the petroleum or coal tar distillate type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application. Blueprint:
Where
petroleum
or coal tar
distillate
used

(Amended by Stats. 1949, Ch. 1051.)

13303. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show a plot plan, made to a scale of one-eighth of an inch to one foot, indicating: Contents of
blueprint

(a) The boundary lines and dimensions of the property devoted or to be devoted to the establishment.

(b) Each street, alley, or easement adjacent to the property, together with its name and width.

(c) The position of each existing or proposed building or structure on the property in relation to the lines of each adjacent street, alley, or easement, with all dimensions indicated.

(d) The materials used or to be used in the construction of each existing or proposed building on the property, and used in the construction of each existing building on adjacent property.

(e) The wall sections and openings in each existing or proposed building on the property, and in each existing building on adjacent property.

(f) The location, size, and materials used or to be used in the construction of the boiler room, and the type and horsepower of the boiler.

Same 13304. The blueprint shall also show a three-eighths or one-half inch scale detail plan of each hazardous building and room, indicating:

(a) All major dimensions, including heights.

(b) The sections and materials used in the construction of each wall, partition, roof, and floor.

(c) The location and size of each door, window, and skylight opening.

(d) The location of each wall vent and riser duct, and the arrangement of the ventilating system.

(e) The run of all steam or other fixed fire extinguishing equipment, including the location of each outlet and control valve.

(f) The arrangement of each operating apparatus and appliance, and the location of each motor.

Blueprint: Where chlorinated hydrocarbon used 13305. Every person who applies for a permit to establish or operate a clothes cleaning establishment, or for a permit to alter or reconstruct an existing clothes cleaning establishment, in which will be or is employed a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type, shall submit for approval a blueprint in quadruplicate to the State Fire Marshal at the time of application.

(Amended by Stats. 1949, Ch. 1051.)

Contents of blueprint 13306. The blueprint, which shall not be greater than 24 by 42 inches in size, shall show:

(a) A plot plan, made to a scale of not less than one-sixteenth of an inch to one foot, indicating any room or compartment to be used for cleaning, drying, and deodorizing in its relation to the boundary lines of the property on which the establishment is located, and its situation within any structure on the property.

(b) A three-eighths or one-half inch scale drawing of the room or compartment, indicating its plan, elevations, and detail of construction.

Submission by agent 13307. An agent who has been authorized in writing for the purpose may submit a blueprint in behalf of any person of whom it is required. In such case, the agent shall file his written authorization at the same time.

Approval 13308. No permit shall be granted to any person unless the arrangement, materials, and construction shown on any blueprint required of, and submitted by, him have been approved by the State Fire Marshal.

(Amended by Stats. 1949, Ch. 1051.)

13309. The approval of any blueprint shall become automatically null and void if any construction it authorizes is commenced subsequent to the expiration of 60 days from and after the date on which it is given, except when competent reasons for delaying the construction are presented to the State Fire Marshal in writing within that period. When approval void

13310. No person shall make any change in the execution of an approved blueprint design without the approval of the State Fire Marshal. Change in execution

13311. Before he grants any certificate of completion, the State Fire Marshal shall make a thorough investigation into the fitness of the applicant to conduct a clothes cleaning establishment. Investigation

(Amended by Stats. 1949, Ch. 1051.)

13312. The State Fire Marshal may refuse to grant a certificate of completion for any of the following causes: Refusal of license

(a) If any blueprint required of the applicant does not comply with the provisions of this article.

(b) If his investigation reveals that the building, room, or premises in or upon which the applicant proposes to operate a clothes cleaning establishment, the character of the applicant, or the applicant's ability to operate a clothes cleaning establishment, does not comply with the provisions of this chapter, or is such as will jeopardize, or will render the proposed establishment a menace to, the public welfare or safety.

(Amended by Stats. 1949, Ch. 1051.)

13313. (Repealed by Stats. 1945, Ch. 1517.)

13314. (Amended by Stats. 1941, Ch. 570; repealed by Stats. 1945, Ch. 1517.)

13314.5. (Added by Stats. 1941, Ch. 570; repealed by Stats. 1945, Ch. 1517.)

13315. (Repealed by Stats. 1945, Ch. 1517.)

13316. (Amended by Stats. 1945, Ch. 1173; repealed by Stats. 1945, Ch. 1517.)

13317. (Repealed by Stats. 1945, Ch. 1517.)

13318. (Repealed by Stats. 1945, Ch. 1517.)

13319. (Repealed by Stats. 1945, Ch. 1517.)

13320. (Amended by Stats. 1945, Ch. 880; repealed by Stats. 1945, Ch. 1517.)

13321. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13322. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13323. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13324. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

Article 4. Buildings, Equipment, and Operation

13350. No person shall establish or operate a clothes cleaning establishment, except one in which is used exclusively in the process of cleaning or dyeing a product designated as non-combustible and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, unless all the processes of cleaning, dyeing, renovating, drying, deodoriz- Hazardous buildings

ing, and solvent storage, and treatment are carried on in a hazardous building located, constructed, equipped, and maintained pursuant to this article. Provided, however, that dry cleaning machinery approved and listed by a laboratory nationally recognized as properly equipped to make the designation, and utilizing an approved solvent with a flash point of not less than 138.2 degrees F., may be installed in accordance with the provisions of Article 5 when the total capacity of above-ground inside solvent storage tanks, including solvent treatment tanks, does not exceed five hundred fifty gallons, the individual capacity of any one such container does not exceed two hundred seventy-five gallons, and the total operating solvent capacity of the system, excluding storage tanks, does not exceed five hundred fifty gallons. Where storage capacity, in excess of the above quantity is desired, that in excess of five hundred fifty gallons shall be in containers approved by the Fire Marshal, installed underground or in enclosures or casing approved by the Fire Marshal.

(Amended by Stats. 1941, Ch. 320, and by Stats. 1949, Ch. 1051.)

Rooms

13351. A hazardous building may contain any combination of hazardous rooms.

Walls

13352. The exterior wall of a hazardous building shall be located in accordance with the following provisions:

(a) Walls having no openings therein may be located on property lines and without set back from buildings on the same property.

(b) Walls having door or window openings therein shall be located not less than 12 feet from any property line of the lot or premises upon which it is constructed and not less than 12 feet from any building or structure except as provided in subdivision (c) of this section.

(c) Walls having protected door openings, but no window openings, may be located less than 12 feet from buildings or structures of noncombustible or one-hour fire-resistive construction on the same lot or premises provided that an open or approved heat-activated vent having a horizontal area of not less than 16 square feet is provided above each hazardous building door opening. Such vent location and construction shall be subject to approval by the State Fire Marshal.

(Amended by Stats. 1945, Ch. 958, and by Stats. 1955, Ch. 1252; repealed and added by Stats. 1957, Ch. 1518. In effect July 6, 1957.)

Location

13353. A hazardous building may be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises of any establishment which was in existence prior to August 2, 1927, if the establishment meets, or is made to meet, the requirements of this chapter.

Exception

13354. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is less than 12 feet in width, a hazardous building may be located nearer

than 12 feet from that line, but not nearer than 12 feet from the opposite or remote line of the street, alley, or irrevocable easement, except that this section shall not apply to the wall of a hazardous building having no door or window openings therein.

(Amended by Stats. 1955, Ch. 1252.)

13355. Where a boundary line is identical with a line of a Same street, alley, or irrevocable easement which is 12 feet or more in width, a hazardous building may be located on that line.

13356. In the case of a clothes cleaning establishment in Same existence and operated prior to August 27, 1937, distilling apparatus having a capacity of not more than 300 gallons per hour may be installed and housed in an approved location and manner within a building or room which is nearer than 12 feet from any boundary line or from any other building or structure, but which in other respects complies with the provisions of this article relative to the construction and equipment of hazardous buildings.

13357. A hazardous building shall be constructed in accordance with the best practice. An observance of the following requirements shall be considered prima facie evidence of compliance with the best practice: Construction:
Compliance
with best
practice

(a) The requirements as to structural design, materials, and workmanship in the latest amended form of the uniform building code prepared by the Pacific Coast Building Officials Conference.

(b) The requirements of this article as to design, structural or other detail, or employment of materials, if such requirements vary from and are more rigid than those of the uniform building code.

(c) The requirements of any State law or regulation, or of any building code or ordinance of a municipality or other political division in which the building is to be located, if such requirements are more rigid than those of this article or of the uniform building code.

13358. A hazardous building shall not exceed one story in height, unless it was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date, in which case it shall be made to conform with the requirements of this article in so far as is physically possible. Building
height

13359. No room in a hazardous building shall be less than 10 feet in height from the floor level to the under side of the lowest point of the roof slab, unless: Room
height

(a) The building was in existence and in operative use prior to August 2, 1927, and has been in continuous operative use since that date.

(b) The building was constructed since August 2, 1927, in accordance with a design approved prior to December 1, 1928.

- Foundations** 13360. The foundations of a hazardous building shall not have a batter of less than 60 degrees from a horizontal plane, unless constructed of concrete with adequate metallic reinforcement.
- Floors** 13361. The floors of a hazardous building shall be constructed of concrete not less than four inches thick with a troweled, cement-top finish. They shall be laid directly upon the earth at an elevation at or above the adjacent ground level. There shall not be any basement or other open space under them, except that a floor drain, or a muck pit having an area of not more than four square feet and constructed in accordance with plans on file in the office of the State Fire Marshal may be installed in the floor of a muck room, still room, or wash room.
(Amended by Stats. 1939, Ch. 634, and by Stats. 1945, Ch. 958.)
- Walls:
Exterior and
bearing** 13362. The exterior and bearing walls of a hazardous building shall be constructed of incombustible material having a fire resistance rating of four hours, as determined by tests conducted in accordance with the standards adopted by the American Standards Association, the American Society of Testing Materials or other nationally recognized standard of fire resistance rating. Piers or columns shall be provided at concentrated loads or other points of structural necessity. This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition.
(Amended by Stats. 1955, Ch. 1252.)
- Exceptions**
- Additions or
extensions** 13363. Any addition to or extension of an existing and approved exterior or bearing wall shall be thoroughly bonded to the wall, and shall be constructed of the materials and conform to the sections required in the construction of exterior or bearing walls of new buildings.
- Interior
division** 13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of incombustible material having a fire resistance rating of 3 hours, as determined by tests conducted in accordance with the provisions of Section 13362. This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition.
- Exception**
(Amended by Stats. 1955, Ch. 1252.)

13365. Any addition to or extension of an existing and approved interior division wall shall be thoroughly bonded to the wall, and shall be constructed of the materials required in the construction of interior division walls of new buildings.

Additions or extensions

13366. Interior division walls separating hazardous rooms, and all partitions in a hazardous building, shall extend from the floor level to the under side of the roof construction.

Wall height

13367. Partitions or other similar interior construction in a hazardous building shall be constructed entirely of incombustible materials which shall be installed in an approved manner.

Partitions

13368. The roof of a hazardous building shall be of a flat type, and of reinforced concrete designed for a live load of 30 pounds per square foot of horizontal projection.

Roof

Every steel girder or beam, and all reinforcing steel in concrete girder, beam, or slab, used in connection with the roof shall be protected with concrete.

There shall be no concealed roof space.

The bottom of a roof slab shall form the ceiling of the room over which the slab is placed.

This section does not apply to the roof of a hazardous building which was in existence and in operative use prior to August 27, 1937, if the roof is of one-hour fire-resistant construction and complies with the provisions of Section 13357 of this chapter.

(Amended by Stats. 1949, Ch. 578.)

13369. The roofing of a hazardous building may be composed of either of the following combinations of material:

Roofing

(a) Asphalt and asphalt-saturated rag felt, with the exposed surface protected with roofing gravel.

(b) Asphalt and asphalt-saturated asbestos.

All roofing shall be applied in a workmanlike manner.

13370. Except for openings for doors, windows, and vents having approved fire protection, and for vent ducts, piping, and shafting in an exterior wall, an interior division wall, or a partition, there shall be no opening in any exterior wall of a hazardous building, nor in any interior division wall or partition separating hazardous rooms.

Openings

The clearance at a permissible opening shall not exceed one-quarter of an inch.

(Amended by Stats. 1949, Ch. 1051.)

13371. Every door opening in a hazardous building shall be at least three feet in width. Except as otherwise provided in this article, it shall lead directly to an area open to the sky, which shall afford a continuous, unobstructed means of safe egress from the building. A noncombustible awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire Marshal shall be removed, remodeled, reconditioned, or relocated.

Door opening

(Amended by Stats. 1939, Ch. 634, and by Stats. 1957, Ch. 1518. In effect July 6, 1957.)

Fire doors:
Character

13372. A fire door protecting an exterior opening in a hazardous building may be either sliding, hinged, or rolling, and shall be constructed and hung in accordance with the best practice. An observance of the latest amended form of the regulations of the National Board of Fire Underwriters and of the supplementary regulations of the Board of Fire Underwriters of the Pacific shall be considered *prima facie* evidence of compliance with the best practice.

Every fire door shall be so arranged that it can be opened readily from either side.

Lock

13373. Every door locking device installed for a fire door shall be of a kind that can be operated from the exterior side of the door.

Links

13374. A standard-sized sliding fire door shall have at least three fusible links. A hinged, rolling, or oversized fire door shall have more than three fusible links.

Wash room
doors

13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible. Except as otherwise provided in this article, one door from every hazardous room shall lead directly to the exterior. The location of doors in respect to accessibility and fire exposure shall be subject to the approval of the State Fire Marshal.

(Amended by Stats. 1955, Ch. 1252, and by Stats. 1957, Ch. 1518. In effect July 6, 1957.)

Window
openings

13376. Every window opening in a hazardous building shall be fitted with approved solid-steel sash, and with one-quarter inch wire glass, which shall be back puttied and held in place with metallic glazing strips.

Every ventilator in the sash shall be pivoted to insure automatic closing, and shall be controlled by a fusible link.

Skylights

13377. Hinged skylights of an approved character shall be placed in the roof of each hazardous room having an aggregate door area of less than one-eighth of the floor area of such room. Where skylights are required the aggregate area of the door and skylight openings shall be equal to at least one-eighth of the floor area of the room, and shall be constructed with galvanized iron frames and sash of not less than No. 24 U. S. standard gauge. The skylights shall be so arranged that they will open under pressure in case of an explosion and will close automatically thereafter.

A hazardous building in existence and in operative use prior to April 23, 1929, and which has been in continuous operative use since that date, shall have its use continue without having such hinged skylights installed in the room thereof.

(Amended by Stats. 1945, Ch. 958, and by Stats. 1949, Ch. 1051.)

13378. (Repealed by Stats. 1945, Ch. 958.)

Fan exhaust
system

13379. A power-driven fan exhaust system of ventilation shall be installed for every hazardous building. It shall be designed and operated to produce a complete change of air in each room of the building once every three minutes, and

shall be operated continuously while any part of the building is in operation.

The riser, branch, and main ducts of the system shall be constructed of galvanized iron of not less than No. 24 U. S. Standard gauge, but the lower three feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the State Fire Marshal. The discharge outlet shall be located at a height of not less than one foot above the highest part of the building.

13380. Hot water or steam heating devices only may be installed or used in a hazardous building for heating purposes. Heating devices

13381. No artificial light, except that produced by electricity, nor any open light, flame, or fire, shall be installed or used in a hazardous building. Lighting

13382. Every electrical conduit, fitting, or fixture in a hazardous building shall be of an explosion-proof type. Fixtures

13383. Unless it is of an approved, explosion-proof type, no electrical switch, appliance, or motor shall be placed in a hazardous room. Motors

13384. Every machine, appliance, or shaft in a hazardous building shall be grounded to a live water line with No. 10 gauge wire, run in rigid metallic conduit with approved connections. Grounding

13385. Every electrical conduit, switch, fitting, fixture, or appliance, and every motor, machine, or shaft in a hazardous building shall be installed in accordance with the best practice. Installation of fixtures, etc.

An observance of the latest amended form of the National Electrical Code shall be considered prima facie evidence of compliance with the best practice.

13386. No machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated. Approval of machinery

13387. Every circulation area for the use of an operator of any machine, apparatus, appliance, or device shall be at least three feet in width. However, a single tumbler or dust wheel may be installed in a room having an alined dimension three feet greater than the overall length of the tumbler or dust wheel. Area for use of machine operator

13388. No boiler or steam generator shall be installed or used in connection with a clothes cleaning establishment unless it is installed and housed in conformity with the following: Boiler room construction

(a) No boiler or steam generator of any horsepower, nor the boiler room in which it is housed, shall be placed or located within four feet from any hazardous building. The fire box or burner of such boilers shall not be less than 20 feet from the closest opening into the hazardous building.

(b) Every boiler used in connection with a clothes cleaning establishment shall be mounted on a suitable masonry base.

(Amended by Stats. 1941, Ch. 569, by Stats. 1945, Ch. 958, and by Stats. 1955, Ch. 1252.)

Fire extin-
guishing
system

13389. Every clothes cleaning establishment shall be equipped with a fire extinguishing system of one of the following types:

(a) A steam fire extinguishing system.

(b) An approved carbon dioxide fire extinguishing system.

(c) Any other system meeting with the approval of the State Fire Marshal.

Boiler

13390. Every clothes cleaning establishment with a steam fire extinguishing system shall be equipped with a steam boiler having a capacity of not less than one horsepower, according to the American Society of Mechanical Engineers or other standard rating, for each 200 cubic feet, or fraction thereof, of the cubic content of the largest hazardous room in the establishment.

(Amended by Stats. 1949, Ch. 1051.)

Boiler steam
pressure

13391. A steam pressure of not less than 50 pounds per square inch shall be maintained in the boiler while operations are being carried on in any hazardous room of the establishment.

Steam lines

13392. There shall be installed:

(a) A steam line with an internal diameter of not less than one and one-quarter inches, leading from the boiler to the hazardous building.

(b) In each hazardous room a dry steam line with an internal diameter of not less than one inch, and with not less than one approved open nozzle for each 500 cubic feet, or fraction thereof, of the cubic content of the room.

(Amended by Stats. 1949, Ch. 1051.)

Control of
steam release

13393. The release of steam from the steam fire protection system shall be controlled by approved quick-acting valves, installed in approved locations outside the hazardous building.

(Amended by Stats. 1939, Ch. 634.)

Fire extin-
guishers

13394. Approved chemical fire extinguishers shall be installed in every clothes cleaning establishment, in locations designated by the State Fire Marshal. They shall be discharged and recharged at least once every 12 months, and the date on which they are discharged and recharged shall be recorded on cards attached to them.

13395. (Repealed by Stats. 1945, Ch. 958.)

"No Smok-
ing" signs

13396. Approved metallic "No Smoking" signs shall be installed in every hazardous building and in every area used for spotting and sponging in a clothes cleaning establishment, at locations designated by the State Fire Marshal. Smoking inside a hazardous building where any of the processes of dry cleaning are carried on is a violation of this chapter.

Violation

(Amended by Stats. 1955, Ch. 1252.)

Storage of
solvent

13397. No person shall store, keep, or use any volatile and inflammable product in or upon the premises of a clothes

cleaning establishment, unless all tanks or other containers, the system for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, and emergency dump or other devices employed in connection with the storage, circulation, or use are approved by the State Fire Marshal.

13397.1. No solvent having a flash point less than 100 degrees F., closed cup test, shall be used in an immersion process of dry cleaning. Flash point of solvent

No solvent having a flash point below 138.2 degrees F., closed cup test, shall be used in any "140-F dry cleaning process" and no solvent other than one which is designated as non-flammable and nonexplosive by a laboratory nationally recognized as properly equipped to make the designation, shall be used in any cleaning process of the chlorinated hydrocarbon type. The provisions of this section shall not apply to soaps and detergents of a type approved for use in the various cleaning processes by the State Fire Marshal nor to spotting agents applied by local application. Inapplicability of section

(Added by Stats. 1947, Ch. 291; amended by Stats. 1949, Ch. 1051.)

13398. In any clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry-cleaning, the performance of all the dry-cleaning, drying, and deodorizing processes may be completed entirely within fluid-tight machines or apparatus vented to the open air at a point not less than eight feet from any window or other opening and so used and operated as to prevent the escape of fumes, gases or vapors into workrooms or work places. Dry-cleaning and deodorizing in fluid-tight machines

13399. Except when operations are performed as provided in Section 13398 of this code, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for dry cleaning unless: Dry-cleaning and deodorizing in single room

(a) All of the dry-cleaning, drying, and deodorizing processes are performed in a single room or compartment designed and ventilated in such a manner that dangerous toxic concentrations of vapors will not accumulate in working areas or,

(b) The dry-cleaning processes are performed in approved fluid tight machines or apparatus designed, installed and operated in a manner that will prevent the escape of dangerous toxic concentrations of vapors to the working areas.

(Amended by Stats. 1953, Ch. 40.)

13399.5. A concentration of chlorinated hydrocarbon vapor, as determined by the Halide torch test, in excess of the maximum allowable concentrations set forth below shall be considered as being a "dangerously toxic concentration." Carbon tetrachloride—50 parts per million. Perchlorethylene—100 parts per million. Trichlorethylene—100 parts per million. Maximum allowable concentration

(Added by Stats. 1953, Ch. 40.)

- Construction of room or compartment** 13400. The room or compartment shall be completely inclosed except for necessary door and window openings to enable operators to carry on operations within, but without entering, the room or compartment. The doors shall be self-closing and shall not be left open.
- Ventilation** 13401. The room or compartment shall be equipped with an approved system of mechanical ventilation that will completely change the air content at least once every two minutes while:
- (a) A dry-cleaning, drying, or deodorizing process is being performed.
 - (b) A solvent is exposed to the air in the room or compartment.
 - (c) Alterations, adjustments, or repairs are being made in the room or compartment.
- The air shall be taken out of the room or compartment at the floor line, and shall be discharged to the open air at a point not less than eight feet from any window or other opening.
- Entry** 13402. No employee shall be permitted to enter the room or compartment except for the purpose of making necessary repairs, alterations, or adjustments.
- Wet-washing** 13403. Approved processes of wet-washing are permitted in a hazardous building.
(Amended by Stats. 1939, Ch. 634.)
- Reports of fires or explosions** 13404. The owner, operator, or manager of a clothes cleaning establishment shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the establishment within 24 hours after the fire or explosion, on forms provided for that purpose.

Article 5. 140-F Dry Cleaning Processes (Article 5 added by Stats. 1949, Ch. 1051)

- Approved units** 13425. All processes of cleaning, washing, extracting, dry cleaning and deodorizing incident to dry cleaning, and all processes incident to solvent storage, circulation, distillation, purification, rectification, recovery or treatment by a 140-F dry cleaning process as defined herein shall be conducted and carried on in a complete dry cleaning unit or units which are approved and listed for safe operation with commercially moisture-free solvent having a flash point (closed cup test) of not less than 138.2 degrees F. by a laboratory nationally recognized as properly equipped to make the designation.
- Authorized installation** (a) The State Fire Marshal may authorize the installation on such approved dry cleaning machinery of any appliance or device that has been submitted to and is approved by him.
(Added by Stats. 1949, Ch. 1051.)
- Machinery standards** 13426. The location, installation, and operation of all machinery, appliances, and fittings shall be subject to approval

of the State Fire Marshal. All such machinery, appliances, and fittings shall conform to the minimum requirements as follows:

(a) **Systems or Units.** All systems or units shall be designed to form a complete dry cleaning system in which all of the processes of washing, extracting, drying, deodorizing and those of solvent treatment and recovery may be completed in an approved manner, and shall consist of one or more washers, extractors, drying and deodorizing units, solvent circulating pumps, solvent circulating piping, solvent storage tanks, and solvent stills or clarifiers, all of which are so assembled as to form a complete dry cleaning system. Systems or units

(b) **Washers.** The outer shell shall be of metal, substantially constructed. The loading door opening shall be equipped with a close-fitting door so designed as to prevent solvent leaks due to splash. Cylinder bearings shall be of a type that will prohibit leaking around the cylinder trunnion shaft. The outer shell shall be equipped with tight-fitting inlet line and a solvent outlet line. There shall be an overflow line one pipe-size larger than the inlet line located below the lower bearing level to prohibit solvent from rising above that point or be equipped with an automatic solvent level control device. Washers

The inner cylinder of the washer may be of either wood or metal. All metal parts on wooden cylinders shall be bonded together with not less than No. 10 copper wire or grounding strap of equal cross-sectional area and attached to the trunnion shaft on the end of the cylinder. The trunnion shaft shall be effectively grounded to the frame by means of an approved brush, wiping contact, or other device.

(c) **Trap.** Each washer shall be provided with a substantially constructed button trap of bearing height or so designed that it will not overflow, to prohibit foreign matter from entering tanks or pumps. Button traps shall be equipped with suitable lids, kept normally closed. Trap

(d) **Pumps.** Solvent pumps shall be designed to prevent leaking of solvent. All pumps except vacuum pumps from solvent condensers shall be equipped with a pressure release device to prohibit pressures in excess of fifty pounds per square inch. Pumps

(e) **Pressure Filters.** Pressure filters shall be of rigid construction. The side wall and head shall be of not less than No. 14 gauge steel. The cover shall be so designed and equipped with gaskets in order to prevent leaking. Pressure filters

(f) **Solvent Storage Tanks.** Aboveground solvent storage and treatment tanks shall have a capacity of not more than two hundred seventy-five gallons each. The shell and bottom shall be of not less than No. 12 gauge steel, and all seams and flanges shall be welded. Each tank shall be liquid tight and shall be rigidly supported. Tanks shall be equipped with one and one-fourth inch ($1\frac{1}{4}$ ") vents extending to an approved location outside of the building. Storage tanks

The underground storage of solvent shall be in accordance with the rules and regulations established under the provisions of Section 13252 of this chapter.

Extractors

(g) Extractors. Extractors shall be designed and constructed so as to withstand vibration and shall be rigidly secured to the floor. The basket walls or running ring shall be nonferrous metal and shall be well balanced. They shall be equipped with covers to prevent solvent from being sprayed out. The covers shall be equipped with an automatic control which will prohibit operating the extractor while the cover is open and will prohibit opening the cover while the basket is rotating. A check valve shall be installed in the extractor drain line where necessary to prevent solvent from backing up into the extractor. Aboveground tanks into which the extractor drains shall be equipped with a visible liquid level gauging device. The extractor basket shaft shall be grounded to the frame by means of a brush contact or some other approved method.

Stills

(h) Stills. All distilling apparatus shall be of the vacuum type. The still case shall be of not less than three-sixteenths inch (3/16") steel plate and all joints and seams shall be of welded construction. The liquid in the still shall be maintained by a constant level valve. A visible thermometer, a compound pressure and vacuum gauge, and a controlled steam valve shall be provided for each still. Stills shall not be heated by any other medium than steam or hot water. Sight glasses on stills shall be well guarded and equipped with ball check or other approved device to prevent leakage of solvent if glass breaks.

Sight glasses

(i) Sight Glasses. Sight glasses used on all storage containers and stills shall be of pyrex glass. They shall be well protected from mechanical injury by means of guards.

Electrical equipment

(j) Electrical Equipment. Installation of all electric motors, fittings, and wiring shall meet the requirements of the State Electrical Safety Orders and local electrical ordinances. They need not be of explosion-proof type.

Tumblers

(k) Tumblers. Tumblers used in connection with a 140-F dry cleaning process as defined herein shall bear the label of approval for safe use with a solvent having a flash point of not less than 138.2 degrees Fahrenheit by a laboratory nationally recognized as adequately staffed and equipped to approve and list such devices with respect to fire or other hazards.

The design and construction of tumblers shall be such that under operating conditions the loading door cannot be opened unless the fan is in operation and the cylinder is at rest.

The exhaust fan spider, blades or running rings shall be constructed of nonferrous metal. The fan shall be designed and operated so as to maintain the vapor concentration in the tumbler cylinder at a point below 0.75 percent by volume in air at an initial temperature of 302.0 degrees Fahrenheit. Tumblers shall be designed and constructed to effect an air change equivalent to 50 times the volume of the tumbler cylinder per minute, measured at the air inlet, and under actual operating conditions.

The exhaust duct shall be carried directly to and above the roof or outside of building without unnecessary elbows or turns. All necessary turns in exhaust duct shall have a radius of not

less than one and one-half times the diameter of the duct. Exhaust ducts shall be provided with an approved type water lint trap.

Where steam coil areas are such as to permit the generation of temperatures in excess of 250 degrees Fahrenheit within the tumbler cylinder, a thermostatically controlled heat regulating device shall be installed inside of the shell of the tumbler. The device shall be set to automatically shut off the steam line entering the tumbler coils when the temperatures, at the point where hot air enters the cylinder, exceed 250 degrees Fahrenheit.

The tumbler shall also be equipped with an automatic device which will inject live steam into the tumbler if power to the exhaust fan is interrupted while the temperature inside the tumbler is above 155 degrees Fahrenheit.

The tumbler cylinder shall be effectively grounded to the frame of the tumbler.

(l) Drying Cabinets. Drying cabinets used in connection with a 140-F dry cleaning process as defined herein shall bear the label of approval for safe use with a solvent having a flash point of 138.2 degrees Fahrenheit by a laboratory nationally recognized as adequately staffed and equipped to approve and list such devices with respect to fire or other hazards. Drying cabinets

The doors of the cabinet shall be of a self-closing type that will automatically close if blown open by an explosion.

Drying cabinets shall have a three-eighths inch ($\frac{3}{8}$ ") or larger steam jet inside of the cabinet to smother any fire occurring therein. The valve to the steam jet shall be equipped with a manually operated control and an automatic device that will inject steam into the cabinet if the fan is stopped while the temperature in the cabinet is above 135 degrees Fahrenheit. Valves which will permit shutting off of steam to fire steam jet shall not be permitted.

The cabinet shall be of sturdy well braced metal construction.

The cabinet shall be equipped with an exhaust fan designed and operated so as to maintain the vapor concentration in the cabinet at a point below 0.75 percent by volume in air at an initial temperature of 302.0 degrees Fahrenheit. The volume of air change from the cabinet shall not be less than 10 changes per minute. Drying cabinets shall not be heated with any other medium than steam. The heating coils shall be designed and equipped so that when fan is operating and steam supply to coil is full open, the temperature in the center of the cabinet will not exceed 200 degrees Fahrenheit.

The fan impeller blades and running rings shall be of non-ferrous metal. The exhaust duct shall extend to an approved location outside of the building.

Drying cabinets shall be effectively grounded.

(Added by Stats. 1949, Ch. 1051.)

13427. Every tumbler, washer, extractor, pump, line shaft, solvent container, still, or other piece of equipment used in connection with a 140-F dry cleaning process as defined herein, Grounding

shall be grounded to a cold water line by means of not less than No. 10 copper wire or approved ground strap. All wiring or conductors between cold water pipes and machines that are more than twelve inches (12") in length shall be placed in rigidly supported conduit. Approved type grounding clamps shall be used where ground conductors attach to cold water lines.

(Added by Stats. 1949, Ch. 1051.)

Operating
clearance

13428. A minimum of thirty-six inches (36") of operating clearance shall be maintained for operation of all machines. Areaway and exit passages shall be not less than thirty-six inches (36") clear width. Machinery and equipment shall be located not less than eighteen inches (18") from any wall.

(Added by Stats. 1949, Ch. 1051.)

Unit used
in 140-F
process

13429. The dry cleaning unit and all equipment used in the 140-F dry cleaning process of washing, extracting, drying, deodorizing and those of solvent treatment and clarification shall be contained within a complete enclosure constructed, equipped, and maintained in accordance with the following:

Walls

(a) Walls. Enclosure walls shall be capable of providing one-hour's resistance against fire. They shall be constructed of materials which will afford a fire-resistance equal to metal lath and plaster on both sides of wood studding. Existing walls of one-hour fire-resistant material may be utilized as enclosure walls.

Walls or parts of walls of detached buildings designed and constructed for housing such machinery after August 13, 1945, which are less than five feet (5') from adjacent property lines, shall have no openings therein and shall be of not less than four-hour fire-resistant construction.

Ceiling or
roof

(b) Ceiling or Roof. The enclosure ceiling or roof shall be of at least one-hour's fire resistance.

Floor

(c) Floor. The entire area occupied by the cleaning equipment shall have a trowel finished concrete floor surface not less than two inches (2") thick or some other approved incombustible material having one-hour fire-resistive rating.

Door
openings

(d) Door and Window Openings. Door openings shall be protected by metal or metal clad doors having a fire resistive rating of one hour. Doors shall be hung on approved hardware and equipped with a three fusible link automatic closing device.

Window
openings

Window openings shall be protected with metal sash and wired glass. If windows are designed to be opened, they shall be equipped with a fusible link automatic closing device.

Container
capacity

(e) When the aggregate capacity of the aboveground storage, clarification, and treatment containers exceeds five hundred fifty gallons, or the individual capacity of any one such container exceeds two hundred seventy-five gallons, or the operating solvent capacity of the system—excluding storage tanks—exceeds five hundred fifty gallons, the entire 140-F dry cleaning process shall be housed in a hazardous building located, constructed, equipped, and maintained in accordance with the provisions of Article 4 of this chapter.

(Added by Stats. 1949, Ch. 1051.)

13430. Every boiler or steam generator shall be mounted on a suitable masonry base. The firebox or burner of such boiler shall be not less than ten feet (10') from the nearest opening in the enclosure around the unit. Boilers

(Added by Stats. 1949, Ch. 1051.)

13431. Every 140-F dry cleaning unit enclosure shall be equipped with an approved fire extinguishing system in accordance with the provisions of Sections 13389, 13390, 13391, 13392, and 13393 of this chapter. Fire extinguishing system

(Added by Stats. 1949, Ch. 1051.)

13432. Every 140-F dry cleaning process enclosure shall be equipped with an approved ventilating system designed, constructed, equipped and operated in accordance with Section 13379 of this chapter. Ventilating system

(Added by Stats. 1949, Ch. 1051.)

13433. The installation of all heating and lighting equipment in connection with a 140-F dry cleaning process shall conform to Sections 13380 and 13381 of this chapter. Lighting, heating

(Added by Stats. 1949, Ch. 1051.)

13434. "Fire extinguisher" and "no smoking" signs shall be provided in accordance with Sections 13394 and 13396 of this chapter. Signs

(Added by Stats. 1949, Ch. 1051.)

13435. No immersion dry cleaning process employing a volatile and inflammable liquid, as defined herein, shall be installed or operated in a building occupied in whole or in part as a dwelling, apartment house, hotel, restaurant, or place of public assemblage unless separated therefrom by a four-hour fire-resistive separation without openings therein. Installation in dwellings, etc.

The requirements of this section for construction cut-offs may be waived at the discretion of the fire marshal, based upon a consideration of such factors as type of building construction, nature of occupancy, storage and operating capacity of the system, and extent of fire protection provided. Valver

(Added by Stats. 1949, Ch. 1051.)

13436. All machinery, equipment, fire extinguishing systems, grounding devices, housings, enclosures, and ventilating systems shall be maintained in strict accordance with the provisions of this chapter. Maintenance

(a) Solvent leaks from machines, containers, and packing glands shall be immediately repaired.

(b) Lint and grease shall not be allowed to accumulate inside a unit enclosure.

(c) All automatic devices required by the provisions of this chapter shall be maintained in good operative condition at all times.

(d) When it is deemed impossible or impractical to comply in full with the letter of the requirements of this chapter, or when new or other materials, methods or processes are developed, a written application for variance or modification may be submitted to the State Fire Marshal. An application for variance or modification shall include a complete statement of the con- Application for variance

ditions and reasons therefor, and any plans, reports, data and information in support thereof. The State Fire Marshal may, upon such conditions as he may specify, grant a variance or modification.

(Added by Stats. 1949, Ch. 1051.)

Article 6. Violations

(Heading amended and renumbered by Stats. 1949, Ch. 1051)

Violations

13450. Any person who commits any of the following acts is guilty of a misdemeanor:

(a) Violates any provisions of this chapter.

(b) Violates or fails to comply with any order, rule, or regulation made pursuant to this chapter.

(c) Constructs a clothes cleaning establishment in violation of a blueprint or statement submitted to and approved by the State Fire Marshal.

(d) Violates the terms of any permit issued pursuant to this chapter.

(e) Constructs a clothes cleaning establishment or a 140-F dry cleaning establishment, or installs equipment or machinery therein, in violation of the provisions of this chapter or of any rule or regulation made pursuant thereto, whether for himself or for another party.

Any person who commits more than one of the acts specified in this section is guilty of a separate misdemeanor for each such commission.

(Amended by Stats. 1949, Ch. 1051.)

Continued violation

13451. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued.

Aiding violation

13452. Any person who aids or abets the owner, manager, or operator of a clothes cleaning establishment in the violation of any provision of this chapter is guilty of a misdemeanor.

Report of violation

13453. The State Fire Marshal shall submit to the district attorney any evidence relating to:

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a clothes cleaning establishment to violate any provision of this chapter.

Prosecution

13454. Upon the receipt of any evidence relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator.

(Amended by Stats. 1939, Ch. 634.)

CHAPTER 3. SPOTTING, SPONGING, AND PRESSING ESTABLISHMENTS

Article 1. Definitions and General Provisions

Definitions

13501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

13502. "Dry cleaning" means the process of freeing wearing apparel, feathers, furs, hats, fabrics, or textiles from grease, dirt, spots, stains, or discolorations by the use of a volatile, commercially moisture-free solvent, applied either manually or by means of a mechanical appliance. "Dry cleaning"

13503. "Spotter and sponger" means any person who removes spots, stains, or other discolorations from wearing apparel, feathers, furs, hats, fabrics, or textiles by means of a cleaning medium applied manually. "Spotter and sponger"

13504. "Presser" means any person who renovates wearing apparel, feathers, furs, hats, fabrics, or textiles by means of ironing, performed either manually or by the use of a mechanical appliance. "Presser"

13505. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment" mean any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a press shop or furrier, but excluding any clothes cleaning establishment, equipped to perform, in whole or in part, a spotting, sponging, dry cleaning by local application, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles. "Cleaning and dyeing shop or store" and "spotting, sponging, or pressing establishment"

13506. "Private school or college of spotting, sponging, or pressing" means any establishment in which individuals are taught the operations or processes employed in the spotting, sponging, dry cleaning by local application, or pressing or other finishing of wearing apparel, feathers, furs, hats, fabrics, or textiles, whether gratuitously, for a charge or fee, or in exchange for services. "Private school or college of spotting, sponging, or pressing"

13507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, instrumentality, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of dry cleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent. "Clothes cleaning establishment" and "cleaning and dyeing establishment"

13508. "Service outlet" means any premises, building, room, shop, store, instrumentality, or establishment in, upon, or through which a spotting, sponging, dry cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public. "Service outlet"

13509. "Service inlet" means any premises, building, room, shop, store, instrumentality, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry-cleaning, or pressing or other finishing service is to be performed. "Service inlet"

13510. Any advertisement of the service of spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, instrumentality, or estab- Evidence of existence of service inlet or outlet

lishment in or upon which it appears, or to which it refers, is a service outlet or inlet.

"Agency" 13511. "Agency" means any premises, building, room, shop, store, instrumentality, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, a clothes cleaning establishment, or a cleaning and dyeing establishment.

Verification of ownership 13512. The ownership of an agency shall be verified under oath when required by the State Fire Marshal.

13513. (Repealed by Stats. 1943, Ch. 193.)

"Volatile and inflammable product" 13514. "Volatile and inflammable product" means any liquid, viscous, powdered, solid, or other form of product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor propagative of flame, fire, or explosion.

"Volatile, commercially moisture-free solvent" 13515. "Volatile, commercially moisture-free solvent" includes any solvent of the petroleum distillate, coal tar distillate, or chlorinated hydrocarbon type.

"Fire nuisance" 13516. "Fire nuisance" means any thing or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of an obstruction, a delay, or a hindrance to, the prevention, suppression, or extinguishment of fire.

"Approved" 13517. "Approved" means approved by the State Fire Marshal.

"Operate" 13518. "Operate" and any of its variants includes "conduct" and "maintain" and any of their variants.

Filing application, payment of fee, etc. 13519. Any application, fee, or penalty required by or specified in this chapter shall be filed or paid at the office of the State Fire Marshal. It shall not be incumbent upon the State Fire Marshal to issue any notification in regard to the filing or payment.

Exemption 13520. The provisions of this chapter do not apply to any store whose major business is selling merchandise and which is not engaged in cleaning, dyeing, spotting, sponging, or pressing as an occupation for gain, but which performs a process of cleaning, dyeing, spotting, sponging, or pressing only in order to renovate wearing apparel or other goods which have become soiled or stained in transit from the manufacturer, or which have subsequently become shopworn, soiled, or stained.

Article 2. Administration

Enforcement 13550. The State Fire Marshal shall enforce and administer the provisions of this chapter.

13551. The State Fire Marshal shall appoint, in accordance with the State civil service laws, such employees as may be necessary and required to carry out the provisions of this chapter, and shall prescribe their duties. Employees

13552. The State Fire Marshal shall formulate such rules, orders, and regulations as may be necessary to: Rules and regulations

(a) Promote fire prevention and health protection in spotting, sponging, or pressing establishments, and in private schools or colleges of spotting, sponging, or pressing.

(b) Carry out the provisions of this chapter.

(Amended by Stats. 1941, Ch. 1222.)

13553. Pending a hearing thereon, the State Fire Marshal shall abate any fire nuisance upon any property or premises used as: Abatement of fire nuisances

(a) A cleaning and dyeing shop or store.

(b) A spotting, sponging, or pressing establishment.

(c) A unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing.

(d) An agency of any shop, store, or establishment mentioned in this section.

(e) A private school of spotting, sponging, or pressing.

The cost of an abatement is assessable against the owner, lessee, or occupant of the property or premises.

13554. The State Fire Marshal, or his deputies or assistants, shall enter and inspect the following establishments during customary business hours, or at any time when they are in operation, for the purpose of enforcing this chapter: Inspection

(a) Spotting, sponging, or pressing establishments, or agencies thereof.

(b) Private schools or colleges of spotting, sponging, or pressing.

(c) Agencies of clothes cleaning establishments.

The owner, lessee, manager, or operator of any such establishment shall permit the State Fire Marshal, or his deputies or assistants, to enter it at the times and for the purpose stated in this section.

The State Fire Marshal, in his discretion, need not inspect any such establishment located in a city that maintains a regular fire prevention bureau service.

(Amended by Stats. 1949, Ch. 1007.)

Article 3. (Repealed by Stats. 1945, Ch. 1517)

13600. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13601. (Amended by Stats. 1941, Ch. 1222; repealed by Stats. 1945, Ch. 1517.)

13602. (Repealed by Stats. 1945, Ch. 1517.)

13603. (Repealed by Stats. 1945, Ch. 1517.)

13604. (Repealed by Stats. 1945, Ch. 1517.)

13605. (Repealed by Stats. 1945, Ch. 1517.)

13606. (Amended by Stats. 1941, Ch. 1222; repealed by Stats. 1945, Ch. 1517.)

13607. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13608. (Repealed by Stats. 1945, Ch. 1517.)

13609. (Repealed by Stats. 1943, Ch. 193.)

13610. (Amended by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13611. (Repealed by Stats. 1943, Ch. 193.)

13612. (Repealed by Stats. 1945, Ch. 1517.)

13613. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1945, Ch. 880; repealed by Stats. 1945, Ch. 1517.)

13614. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13615. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

13616. (Repealed by Stats. 1945, Ch. 880 and Ch. 1517.)

Article 4. (Repealed by Stats. 1945, Ch. 1517)

13650. (Repealed by Stats. 1945, Ch. 1517.)

13651. (Repealed by Stats. 1945, Ch. 1517.)

13652. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13653. (Repealed by Stats. 1943, Ch. 193.)

13654. (Amended by Stats. 1945, Ch. 1173; repealed by Stats. 1945, Ch. 1517.)

13655. (Amended by Stats. 1941, Ch. 1222 and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13656. (Amended by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193; repealed by Stats. 1945, Ch. 1517.)

13657. (Repealed by Stats. 1945, Ch. 1517.)

Article 5. Operation and Management

13675. (Repealed by Stats. 1945, Ch. 1517.)

13676. (Repealed by Stats. 1945, Ch. 1517.)

13677. (Repealed by Stats. 1945, Ch. 1517.)

Separation
of rooms

13678. Every room or place used as an office, showroom, workroom, or storeroom of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, shall be completely separated from every other room or place used for cooking, eating, sleeping, or other domestic functions by a partition or partitions, the openings in which shall be equipped with doors or glazed sash, or both. No person shall cook, eat, sleep, or engage in any other domestic function in any such office, showroom, workroom, or storeroom.

Sanitation,
etc.

13679. Every office, workroom, storeroom, or other room or place in which any of the processes of spotting, sponging, or pressing are performed, or in which any wearing apparel,

feathers, furs, hats, fabrics, or textiles are kept or stored, and every roof, yard, court, passage, or other area in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall at all times be kept in good repair, free from any accumulation of dirt or debris that may constitute or give rise to a fire nuisance, and in an orderly, clean, and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures, and furnishings.

Every office, workroom, storeroom, or other room or place specified in this section shall be adequately lighted and ventilated either by natural or mechanical means. The State Fire Marshal shall require the lighting and ventilation to comply with the accepted standards for industrial plants similar to those subject to this chapter.

Lighting and ventilation

13680. Any drying room, cabinet, or other appliance used for the purpose of drying or deodorizing in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be located, constructed, installed, ventilated, and operated in a manner meeting with the approval of the State Fire Marshal.

Drying or deodorizing appliances

13681. No machine, apparatus, appliance, or device shall be used in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

Approval of installations

13682. No person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than eight pounds in the aggregate of viscous, powdered, or solid volatile and inflammable products or substances. Any such products or substances in excess of one pound shall be kept or stored in approved safety containers.

Storage, etc., of volatile and inflammable products

13683. Except as otherwise provided in Section 13684 of this code, no person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or

Storage, etc., of certain solvents

college of spotting, sponging, or pressing, more than one gallon in the aggregate of volatile, commercially moisture-free solvents of the petroleum distillate or coal tar distillate type. Any such solvent in excess of one pint shall be kept or stored in approved safety cans.

Storage of
gasoline

13684. Gasoline for use in automotive vehicles or for approved purposes may be kept and stored in an approved specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, with the written permission of the State Fire Marshal.

Fire
nuisance

13685. No person shall maintain, permit, or allow a fire nuisance to exist upon any property or premises owned, leased, or occupied by him as a cleaning and dyeing shop or store, as a spotting, sponging, or pressing establishment, as a unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, as an agency of any such shop, store, or establishment, or as a private school or college of spotting, sponging, or pressing, after he is notified in writing by the State Fire Marshal to remove, discontinue, or abate it.

Service out-
let or inlet

13686. No person shall operate a service outlet or inlet in connection with a private school or college of spotting, sponging, or pressing.

Reports:
Change in
ownership,
etc.

13687. Any change in the location or ownership of a shop, store, establishment, school, or college subject to the provisions of this chapter shall be reported, in writing, at the office of the State Fire Marshal within 48 hours after the change by the person who is owner after the change.

(Amended by Stats. 1943, Ch. 193.)

Fire or
explosion
reports

13688. The owner, operator, or manager of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry cleaning by local application, or pressing, of any agency of any such shop, store, or establishment, or of a private school or college of spotting, sponging, or pressing, shall make a detailed report to the State Fire Marshal of every fire or explosion which occurs in or upon the premises of the shop, store, establishment, agency, school, or college within 24 hours after the fire or explosion, on forms provided for that purpose.

Purchases

13689. A report of all volatile and inflammable products or substances purchased by, and delivered to the premises of, a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store,

or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be sent to the office of the State Fire Marshal every 30 days on forms furnished by the State Fire Marshal.

Article 6. Violations

13725. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. Penalty

13726. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of this chapter. The district attorney shall prosecute him until the violation is discontinued. Continued violation

13727. No person shall aid or abet the owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing, in violating any of the provisions of this chapter. Aiding violation

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13728. The State Fire Marshal shall submit to the district attorney any evidence relating to: Report of violations

(a) A violation of any provision of this chapter.

(b) Aiding or abetting any owner, manager, or operator of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of any agency of a clothes cleaning establishment, of any other agency, or the owner, manager, or instructors of a private school or college of spotting, sponging, or pressing to violate any provision of this chapter.

(Amended by Stats. 1939, Ch. 635, by Stats. 1941, Ch. 1222, and by Stats. 1943, Ch. 193.)

13729. Upon the receipt of any information relating to a violation of any provision of this chapter, the district attorney shall prosecute the violator. Prosecution

(Amended by Stats. 1939, Ch. 635.)

13780. The provisions of Chapters 2 and 3 of Part 2 of Division 12 of this code shall not apply to the spotting or pressing of clothing of persons while carried or employed on passenger trains which are subject in whole or in part to the jurisdiction of the Interstate Commerce Commission or the Railroad Commission of the State of California, nor to such trains in respect of such spotting and pressing; provided, that such spotting or pressing hereby exempted shall be solely as a facility available in connection with and as a part of the operation of such trains and not open or available to members of the public, or to others than the persons carried or employed on the train upon which the spotting or pressing is performed for them. Exemption

(Added by Stats. 1941, Ch. 201.)

PART 3. FIRE PROTECTION DISTRICTS

CHAPTER 1. LOCAL FIRE DISTRICTS

NOTE: Chapter 1, consisting of Sections 14001 to 14314, was added by Stats. 1939, Ch. 60, as part of codification. Various sections were affected by the following chapters:

1950 (1st Ex. Sess.)										
1939	1941	1943	1945	1947	1949	1951	1953	1955	1957	
222	775	644	330	128	1139	58	446	167	115	357
417		1022	1287	1345			1039	367	236	1623
496							1283	383	237	1624
							1455	480	248	1721
							1587	1071	791	
								1092	1041	
								1192	1612	
									1690	

Chapter 1 was repealed and added by Stats. 1957, Ch. 1624.

The text of Chapter 1, as added by Stats. 1957, Ch. 1623, Ch. 1624, and Ch. 1721 is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section.

NOTE: Stats. 1958 (1st Ex. Sess.), Ch. 97, provided as follows:

SECTION 1. The existence of any district organized or reorganized under Chapter 1 (commencing with Section 14001) Part 3, Division 12 of the Health and Safety Code, is confirmed, validated, and declared legally effective if, on or before November 11, 1958, such district has filed the affidavit required by Section 14017 of the Health and Safety Code.

Article 1. General Provisions

Short title	14001. This chapter may be cited as the Local Fire District Law. It is the successor to the 1881 act relating to fire protection districts in unincorporated areas.
"District"	14002. "District," as used in this chapter, means a district created or reorganized pursuant to this chapter or pursuant to any law which it supersedes.
"District board"	14003. "District board," as used in this chapter means the board of fire commissioners of a district.
"Employees"	14004. "Employees," as used in this chapter, means all duly appointed officers and employees of the district and the fire department, including those regular, volunteer and call firemen who are employed and paid on a full-time or part-time basis, and including such persons as may be requested or appointed by the officer in charge of a fire, with authorization of the district board, to assist in the suppression of a fire.
"Principal county"	14005. If the area proposed to be organized or reorganized as a local fire district lies within more than one county, or if, subsequent to any annexation or consolidation, a local fire district contains territory lying within more than one county, "principal county," as used in this chapter, means that county having the greatest proportion of the total assessed valuation of the district or proposed district, and that county shall re-

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

main the principal county even though subsequent changes occur, the result of which being that another county may then contain the greatest proportion of the total assessed valuation of the district.

14006. Unless otherwise provided herein, whenever in this chapter a duty or responsibility is given to a county or the board of supervisors or any county official, and the district or proposed district lies within more than one county, such duty shall be performed or responsibility discharged by the county which is the principal county or by the board of supervisors or the designated county official of the principal county. In any existing district lying within more than one county, the principal county shall be that county now acting as such.

Duties and responsibilities

14007. It is the purpose of this chapter to make available a procedure for the organization, operation, government, consolidation, reorganization, and dissolution of local fire districts.

Purpose

14008. The manner of formation of a local fire district, the annexation and exclusion of territory and the consolidation and dissolution of such districts, unless otherwise provided herein, shall be as prescribed in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code. All of the provisions of that chapter are incorporated in this chapter by reference and shall have the same force and effect as if fully set forth herein.

Applicable provisions

14009. The provisions of Section 58309 of the Government Code notwithstanding, in the event of conflict between the provisions of this chapter and those of Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, the provisions of this chapter shall prevail.

Conflicts

14010. Any area of this State not lying within any other fire district and not including any timbered, brush or grass covered lands declared to be the responsibility of the State for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a local fire district pursuant to this chapter.

Formation

Upon receipt of a petition for the formation of or the annexation to a local fire district, if the proposed formation or annexation contains an area declared by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the fire protection responsibility of the State, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the State.

This section shall apply to districts hereafter formed and to annexations to existing districts.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Exemption

14011. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District Investigation Act of 1933."

Noncompliance

14012. In the case of districts created or reorganized under this chapter or any statutory predecessor thereof subsequent to 1935, and in the case of districts created prior to 1935 and subsequently reorganized under this chapter or any statutory predecessor thereof, no assessment or act relating to the assessment or collection of taxes, nor any election held under this chapter, is illegal, void or voidable on account of any error, omission or informality or failure to comply strictly with the provisions of this chapter, nor on account of any misnomer.

Validity contest

14013. Any proceeding in which the validity of the organization or reorganization of a district is questioned shall be commenced within three months after the date of the first election of members of the district board or the date of such reorganization; otherwise such organization or reorganization and the legal existence of said district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

Validation

Boundary statements, etc.

14014. When a district is organized or reorganized pursuant to the provisions of this chapter, the clerk of the board of supervisors shall, in addition to the filing required by Section 58133 of the Government Code, comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

Same

14015. On or before the first day of February of any year that an assessment or taxes are to be levied, and when the boundaries of any local fire district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

Certificate of existence

14016. When a district is organized or reorganized, and upon receipt of notice of such organization or reorganization, the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization.

Affidavit of organization

14017. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter, shall submit to the Secretary of State an affidavit reciting the facts of such organization or reorganization, together with certified copies of any documentary proof of such organization or reorganization and a description of the boundaries of such district. Upon receipt of the affidavit the Secretary of State shall issue to the district board of such district, a certificate evidencing the existence of such district under such organization or reorganization.

Failure to file affidavit

14018. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter which does not within six months after the

effective date of this section file the affidavit required by Section 14017 shall cease to exist and all its property shall revert to the county or counties in which the district is located.

In such cases the board of supervisors is, *ex officio*, the governing body of the former district and may levy taxes and assessments and perform other acts necessary to terminate the district affairs.

14019. Except as otherwise provided by law, any district existing at the time of the effective date of this chapter, under any provisions of any act or law repealed, amended or superseded by this chapter, shall continue to exist, and shall be subject to the provisions of this chapter as though it were created hereunder. Any and all taxable property located within any such district organized or reorganized at the time of the effective date of this chapter shall continue to be subject to the levy of taxes for general purposes and for the payment of any indebtedness previously created, all as provided herein. The repeal of any acts herein shall not be held to affect or invalidate any claims, demands, acts, debts, contracts, obligations or indebtedness of any district created under the provisions of any such act.

Continuation
of present
district

14020. The State Fire Marshal shall, from time to time, study and investigate the law relating to the formation and organization of local fire districts and shall, following each such study and investigation, report to the Legislature the results of his investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

Duties of
State Fire
Marshal

14021. This chapter is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purpose.

Construction

Article 2. Formation: Petition and Hearing

14041. Fifty or more taxpayers of any area may petition the board of supervisors for the formation of a local fire district, and thenceforth the procedure for formation shall be as specified in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code, except as otherwise provided in this chapter. The petition may include a request that taxes and assessments levied for the district purposes be limited to a stated amount.

Formation
petition

14042. The petition for formation of a district shall also specify the number of fire commissioners to be elected, and shall be accompanied by petitions of nomination for the position of fire commissioner, of such number of persons as will provide no less than one nominee for each of such positions to be filled.

Contents of
petition

Same

14043. The provisions of Sections 58060 and 58061 of the Government Code, relating to the holding of a preliminary

Preliminary
hearing

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

hearing, shall not apply to any procedure for the organization or reorganization of a district under this chapter.

Tax limit

14044. If the petition for formation contained a request that district taxes and assessments be limited to a stated amount, the taxes and assessments levied for the purpose of the district formed pursuant thereto shall be limited to the amount so stated, except as to taxes and assessments for purposes authorized at an election as provided by this chapter, and unless this limitation shall be removed or amended by a majority of the voters of the district at a special election called by the district board.

Article 3. The Board of Fire Commissioners

Members:
Number

14051. The board of fire commissioners of a local fire district shall consist of three or five members elected as provided in Article 5 of this chapter, except as otherwise provided herein.

Terms:
Three mem-
bers

14052. If the petition for formation specifies that the district board shall consist of three members, the nominee receiving the largest number of votes at the first election shall be considered as having been elected for a three-year term, and the nominees receiving the second and third largest number of votes shall be considered as having been elected for terms of two years and one year respectively.

Same: Five
members

14053. If the petition for formation specifies that the district board shall consist of five members, the two nominees receiving the largest and second largest number of votes at the first election shall be considered as having been elected for three-year terms, and the two nominees receiving the third and fourth largest number of votes shall be considered as having been elected for two-year terms, and the nominee receiving the fifth largest number of votes shall be considered as having been elected for a one-year term.

Tie vote

14054. If pursuant to Section 14052 or Section 14053 two or more nominees for the district board receive the same number of votes, the board of supervisors shall cast the deciding vote to determine the election and tenure of office of the nominees concerned.

Increase in
number

14055. Subsequent to the formation of a district or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of fire commissioners from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new fire commissioners, one of whom shall serve for a three-year term and the other for a two-year term.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14056. The terms of office of the first elected members of the district board or of a consolidated district board, shall run until the third Tuesday of April of the first, second and third years next succeeding their election, except that if the first district board or a consolidated district board is elected within less than six months before the first Tuesday of April their terms shall run until the third Tuesday of April of the second, third and fourth years next succeeding their election. The commissioners shall hold office until their successors shall be elected or appointed and qualified. Terms

14057. On the first Tuesday of April of the year next succeeding the first election or if the first district board or consolidated district board is elected within less than six months before the first Tuesday of April, then on the first Tuesday of April of the second year succeeding the first election, and on the first Tuesday of April of every year thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the third Tuesday in the same month and shall hold office for the term of three years, or until their successors are elected or appointed and qualified. Election

14057.5. The district board shall publish notice pursuant to Section 6066 of the Government Code that nomination petitions may be received. Notice shall be published at least seven days prior to the final date for receiving petitions. Notice

(Added by Stats. 1959, Ch. 2182.)

14058. If at 12 o'clock noon on the fifty-fourth day prior to a general district election only one person has been nominated for each of the positions of fire commissioner to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board by the fortieth day prior to the election, an election shall not be held. Lack of nominees

(Amended by Stats. 1959, Ch. 2182.)

14059. In such case the publication provided for in Section 14131 shall, instead of calling an election, state that no election is to be held but that the board of supervisors shall appoint those nominated for the positions of fire commissioner or shall, if no persons have been nominated, appoint any qualified persons to the positions. Publication of notice

14060. If pursuant to Section 14059 a general district election is not held, the board of supervisors shall, at a meeting held prior to the day fixed for the election, appoint to the positions of fire commissioner those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any persons thus appointed shall qualify, take office and serve as if elected at a general district election. Appointment

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

- Vacancies** 14061. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the board of supervisors for the unexpired term.
- Meetings** 14062. Within 30 days after their first election and after each general district election or unopposed election, and whenever vacancies in any office may occur and are filled, or after any appointments made pursuant to the provisions of Section 14055 or of Article 9 (commencing with Section 14231), the district board shall meet and organize as a board, electing a president from their number, and a secretary, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.
- Quorum** 14063. A majority of the board shall constitute a quorum for the transaction of business.
- Action** 14064. The board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.
- Compensation** 14065. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding ten dollars (\$10), for each meeting of the board attended by him, not exceeding four meetings in any calendar month.
- Expenses** 14066. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.
- Recall** 14067. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code.

Article 4. General Powers and Duties

- Perpetual succession** 14091. The district board shall have perpetual succession.
- Rights and powers** 14092. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:
- (a) To sue and be sued.
 - (b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.
 - (c) To exercise the right of eminent domain.
 - (d) To establish, equip and maintain a fire department, and to establish and enforce rules and regulations for the administration, operation and maintenance thereof.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

(e) To appoint and employ necessary employees, and to define their qualifications, duties and responsibilities, and to provide for a pay schedule and for payment in a reasonable sum for the performance of such duties.

(f) To employ counsel.

(g) To enter into and perform all necessary contracts, including but not limited to contracts for the supply and distribution of water, and for the furnishing of necessary services to or the receipt of such services from another district.

(h) To provide and maintain any and all special service functions necessary for the prevention of fire and for the protection of life and property from fire and panic, including the investigation of fire and prosecution of crimes of arson.

14093. The district board may purchase and maintain ambulances and operate ambulances or ambulance services within and without the district. Ambulances

14094. The district board may establish, equip, maintain and operate rescue and first aid services within and without the district. Rescue and first aid services

14095. The district board may contract with other governmental agencies. The district board may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department. Contracts

(Amended by Stats. 1959, Ch. 1057.)

14096. The district board may, by ordinance, provide for a civil service system for employees of the district. Civil service system

14097. The district board may require any employee of the district to be bonded, the cost of such bonds to be borne by the district. Indemnity bonds

14098. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitations. Lease or rent of vehicles

14099. The district board may enter into group hospital service contracts with hospitals and hospital districts for hospital service for the members of the district board and the employees of its fire department relating to injuries suffered by such persons in the performance of duty; and for such purpose the fire district is construed to be a district within the meaning and effect of Section 11512.2 of the Insurance Code and other laws related thereto. Group hospital service contracts

14100. In addition to compensation insurance required by law, the district board may insure its members and employees against accidental death and injury in the performance of their duties. Accidental death and injury insurance

Group hos-
pital service
contracts,
etc.

14100.1. Notwithstanding the provisions of Section 14099 and Section 14100 of this code, nothing herein shall be construed to limit the district board from entering into group hospital service contracts with hospitals and hospital districts for hospital service, or from adopting a system of group health, sickness, accident or disability insurance, for the benefit of its members and employees pursuant to any other procedure therefor established by law.

Organization
membership

14101. The district board, on behalf of its fire department, may maintain membership in any local, state or national group or association organized and operated for the promotion of the preservation of life and property from the hazards of fire and panic.

Attendance
at meetings

14102. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

Purchase
of equipment

14103. The purchase of all equipment for fire protective purposes shall conform to the standardization provisions of Section 13025.

Seal

14104. The district may adopt a seal.

Books

14105. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

Clearing
of land

14106. The district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard. The provisions of Part 5 (commencing with Section 14875), Division 12, of this code are made applicable to the local fire districts organized and existing pursuant to this chapter, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard. In the application of the provision of said Part 5 (commencing with Section 14875), Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the district board acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the employees of the fire department designated by the district board.

Ordinances:
Adoptions

14107. The district board may, after publication of notice and hearing, adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagration not in conflict with any ordinance on the subject previously adopted by the board of

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

supervisors of any county in which a part of the district is located.

14108. Each ordinance shall be signed by the members of the district board and published. Copies of all district ordinances shall be available, in the office of the district board, for public distribution. Signature

14108.5. Notwithstanding the provision of Section 14108 the district board may by ordinance adopt a fire prevention code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Sections 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency. Fire prevention code

No penalty clauses or sanctions contained in any fire prevention code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of an ordinance adopted pursuant to this section or of a fire prevention code adopted by reference in such ordinance is guilty of a misdemeanor. Misdemeanor

(Added by Stats. 1959, Ch. 642.)

14108.6. The district board may provide by ordinance for the issuance of citations by the chief of the fire department of the district, or his duly authorized agent, for violations of district ordinances in the same manner as a county, city, or city and county is authorized to so provide by Chapter 5b (commencing with Section 853.1) of Title 3 of Part 2 of the Penal Code. Citations

(Added by Stats. 1959, Ch. 802.)

14109. Every person who violates any of the provisions of a district ordinance adopted pursuant to Section 14107, or who fails or refuses to correct or eliminate a fire or life hazard after written order of the district board or its authorized representative, or who falsely personates a member of the district board or any officer of the district is guilty of a misdemeanor. Violations

14110. If any person who has been ordered, pursuant to Section 14109, to correct or eliminate a fire or life hazard believes that strict compliance with the order would cause undue hardship, he may, within 10 days, present a written request to the district board for a hearing on and a review of such order. The request shall state the reasons therefor, and the district board shall, within 30 days of the receipt of same, hold a hearing, and may, if they determine that the circumstances appear to justify such action, modify, vacate, or affirm the order. Hearing and review of order

14111. The officers of the fire department of the district shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention and Peace officer powers

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Fire permits

14112. If, within any area of the district, the district board has established regulations for the control of open fires, no person desiring or required to burn flammable material shall do so except under a permit issued by the district. No permit to burn flammable materials shall be issued in conflict with burning regulations of an air pollution control district, or regulations established pursuant to the Public Resources Code.

Educational information

14113. The district board shall encourage the adoption of fire prevention measures by means of education, and may prepare or cause to be prepared and disseminated information relating to the subject of fire prevention and extinguishment.

Firemen's training program

14114. The district board may establish or cause to be established a program of firemen's training or may authorize the participation of district firemen in such a program as otherwise established.

Change of name

14115. The district board may propose a change in the name of the district to the board of supervisors. The change in the name of the district shall be effective upon the adoption by the board of supervisors of a resolution approving the change in the name of the district.

(Added by Stats. 1959, Ch. 906.)

Article 5. Provisions Relating to Elections

Calling

14131. The district board shall call elections, subsequent to the organization of the district, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code. No other notice of such elections need be given, and neither sample ballots nor polling place notices need be mailed for such elections.

Notice

Duties of county clerk

14132. Where a district has not already been formed the county clerk shall perform such duties as may be required incident to the election, which duties would otherwise normally be performed by the district board or the secretary thereof.

Procedure

14133. All district elections shall be called, held and conducted in all respects as nearly as practicable in conformity with the provisions of law governing elections in general law cities except as otherwise provided herein.

Candidates

14134. No person shall be a candidate for or be appointed to or hold office on the district board unless he is a voter of the district or proposed district.

Ballots

14135. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for elections on measures in cities.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14136. The expense of the election held relative to the formation of a district shall be paid by the county if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

Election
expense

Article 6. Finance, Taxation and Bonds

14151. The district board may, for any purpose for which the district is authorized to expend funds without the necessity of calling or holding an election in the district, borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing four years thereafter. Such indebtedness shall not exceed 85 percent of the estimated tax income for the years in which the loan is in effect.

Incurring of
indebtedness

Limitation

(Amended by Stats. 1959, Ch. 1107.)

14152. On or before the fifteenth day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which may be divided into the following main classes:

Preliminary
budget

- (1) Maintenance and operation;
- (2) Capital outlay;
- (3) Bonded or other indebtedness interest and redemption;
- (4) Capital outlay reserve;
- (5) Unappropriated reserve;
- (6) General reserve.

14153. On or before the fifteenth day of May of each year the district board shall publish a notice at least one time stating:

Annual
budget notice

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district, specified in the notice, for inspection by interested taxpayers;

(2) That on a specified date, not less than one month after publication of the notice, and at a specified time and place the district board will meet for the purpose of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of additional items.

14154. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

Hearing

14155. The hearing on the budget may be continued from time to time until concluded.

Continuance

14156. The district board shall report the final budget to the board of supervisors or to each board of supervisors con-

Final budget

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

cerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

Taxes:

14157. The board of supervisors of each county concerned shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the local fire district lying within the county, sufficient to meet the county's share of the amount set forth in the final budget submitted by the district board.

Computation,
etc.

14158. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

Emergency
expenditures

14159. On finding of emergency affecting the ability of the district to furnish adequate fire protection, the district board may, by resolution adopted by unanimous vote, provide that moneys received but not specifically set forth as revenue in the adopted budget be made available for appropriation and expenditure during the current fiscal year.

Transfers,
etc., of unen-
cumbered
funds

The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

Capital out-
lay reserve:
Establish-
ment

14160. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Transfers

14161. At any time after the creation of a capital outlay reserve, the board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

Use

14162. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

County
treasurer

14163. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

Claims

14163.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14164. Subject to the provisions of Section 14163.5, claims Warrants
against the district shall be audited, allowed, and paid by
the district board by warrants drawn on the county treas-
urer. As an alternative, the district board may instruct the
county auditor to audit, allow and draw his warrant on the
county treasurer, for all legal claims presented to him and
authorized by a majority of the district board. The county
treasurer shall pay the warrants in the order in which they
are presented.

(Amended by Stats. 1959, Ch. 1727.)

14165. When any warrant of the district, properly drawn Unpaid
warrants
on any fund in the official custody of the county treasurer, is
presented to the county treasurer for payment, and it is not
paid for want of funds, the county treasurer shall endorse
thereon "not paid for want of funds" and the date and time
of presentation and sign his name thereto. From that time
until paid the warrant bears interest at the rate of 5 percent a
year.

14166. If a structure or structures, or the acquisition of Bonds:
Election
resolution
real or personal property, necessary for district purposes
reasonably requires an expenditure in excess of available funds
of the district derived from ordinary taxation, the district
board may adopt a resolution calling an election within the
district upon the issuance of bonds. The amount of the bonds
to be issued shall not exceed the amount specified in the
resolution calling the election, nor shall the district incur a
bonded indebtedness exceeding 10 percent of the assessed value
of all the taxable property in the district.

14167. The resolution calling an election upon the issuance Same
of bonds shall specify the date of the election, the amount of
the bonds to be issued, the rate of interest or a maximum rate
to be paid thereon, such rate or maximum rate not to exceed
6 percent per annum, and the nature of the proposed structure
or improvement or of the property to be acquired, and such
resolution shall be published as a notice of the election, in
accordance with the provisions of Sections 58006 and 58007
of the Government Code.

14168. At the election any qualified and registered elector Authoriza-
tion
residing within the district may vote. If at the election a
majority of the voters, voting thereat, shall vote in favor of the
issuance of the bonds, the district board is thereupon author-
ized to issue the bonds.

14169. Bonds issued pursuant to this chapter shall be is- Issuance
sued as follows:

(a) A part, to be determined by the district board, which
shall be not less than one-thirtieth of the whole amount of the
indebtedness, shall be payable annually at a date and place
specified.

(b) The date of the first bonds maturing may at the discre-
tion of the district board, be postponed not more than five
years from the date of issuance.

NOTE: For legislative history of sections, see note at beginning of
Division 12, Part 3 (commencing Section 14001).

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the county treasurer. One of the signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the county treasurer in like manner as the bonds.

Sale 14170. Such bonds shall be sold by, or on behalf of the district board for not less than the face value thereof. Before selling the bonds, or any part thereof, the district board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the district board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Signatures 14171. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon, or if the term of office of such officer expires or he is removed from office or resigns or his office is otherwise vacated before the bonds and coupons have been signed, then the signature of his elected or appointed successor shall be placed on the bonds or coupons and shall be valid for all purposes connected with such bond or coupon.

Proceeds 14172. The proceeds of sale of all bonds so issued shall be deposited with the county treasurer and shall be withdrawn therefrom only upon the order of the district board or pursuant to its directions and only for carrying out of the purposes for which the bonds were issued.

Special tax 14173. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. The tax shall be collected in the same manner and at the same time as other county taxes. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14174. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the special tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated in the bond service fund.

Postponed
payment

14175. The board of supervisors shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies.

Tax rate

If the board of supervisors fail to do so, the county auditor shall fix the rate of the tax for bonds issued under this chapter.

14176. All costs incurred by the county in connection with the issuance of bonds pursuant to this chapter shall be reimbursed to it by the district issuing the bonds.

Costs

Article 7. Contracts

14201. Owners or occupants of property in the vicinity of the district, when such property is not included within the territory of any city or any other governmental agency providing fire protection, may contract with the district for one year or more for fire protection service for the property described in the contract. Such contract shall provide for fixed annual payment of agreed amount by such contracting party to the district, to be paid in advance at the date of the making of such contract, and on the even date thereof for each subsequent year covered by the contract.

Fire protec-
tion service

14202. Any city, all or part of which is included within the boundaries of a district, may if it desires provide for acquiring and maintaining fire fighting implements, apparatus and equipment, including water mains, hydrants, and water, in addition to those acquired and maintained therein by the district. The city may defray the cost of acquiring and maintaining such additional fire fighting implements, apparatus and equipment from the general tax revenues of the city and may contract with the district regarding the acquisition, maintenance and use thereof.

City acqui-
sition of fire
fighting im-
plements,
etc.

Article 8. Annexation and Exclusion of Territory

14211. Territory, to be eligible for annexation to a fire district under the provisions of this article, shall not be a part of any other fire district.

Territory
eligible

14213. For the purpose of Section 58231 of the Government Code, the requisite number of petitioners for annexation of territory shall be 50 or more qualified and registered electors, or the owners of at least 51 percent of the total assessed value of the property proposed to be annexed.

Requisite
petitioners:
Annexation

14214. For the purpose of Section 58231 of the Government Code, the requisite number of petitioners for exclusion of territory shall be the owners of the property proposed to be excluded, or 50 or more qualified and registered electors.

Same:
Exclusion

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Same:
Protests

14215. For the purpose of Section 58238 of the Government Code, the requisite number of petitioners protesting annexation or exclusion of territory shall be that number of persons who are the owners of at least 51 percent of the property within the area proposed to be annexed or excluded, as shown by the last equalized assessment roll of the county or counties in which the district is located, and the election to decide whether the proposed annexation or exclusion shall occur shall be held within the area proposed to be annexed or excluded.

Dissolution

14216. If, in the judgment of the district board, the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution.

Vested
property

14217. Upon the exclusion of any territory from a district, if such excluded territory is not annexed to or otherwise included within a city, and if the remainder of the district continues to exist as such, all property previously acquired for the district shall remain vested in the district and be used for purposes of the district.

Withdrawal

14218. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may thereafter be withdrawn from the district. The effective date of such withdrawal shall be stated in the resolution of the governing body of the city, describing the included portion and declaring such portion withdrawn, and copies of such resolution shall be filed with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor.

Prior to the effective date of such withdrawal, a city may, by resolution of its governing body, assume responsibility for furnishing fire protection to the annexed portion or any portion thereof. The date of the transfer of such responsibility shall be specified in the resolution, and thereafter the district shall be relieved of responsibility for providing fire protection for the portion so designated in the resolution. A copy of the resolution shall be filed with the district board prior to the specified date.

Disposition
of property,
etc.

14219. Upon the withdrawal of any territory of a district, by reason of annexation to a city, all property acquired for the district and all unencumbered funds on the date of withdrawal shall be divided between the city and the remaining district as provided below.

(a) If the assessed value of the real property annexed to the city is less than five thousand dollars (\$5,000), no portion of the property and assets of the district shall be allocated to the city.

(b) If the assessed value of the real property annexed to the city is five thousand dollars (\$5,000) or more, and if it is mutually agreeable to both governing bodies, the distribution of property and other assets shall be in proportion to the

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

assessed value of the real property of the territory so withdrawn and the portion remaining.

(c) If, under the provisions of subdivision (b) above, no satisfactory agreement can be reached, and if it is mutually agreeable to both governing bodies, the basis for the distribution of property and assets may be established by such governing bodies after giving consideration to all the factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, and the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid.

(d) If, within one year from the date specified in the resolution of the city as the effective date of the withdrawal, no agreement on the distribution of property and assets has been reached by the governing bodies of the district and the city, the matter shall be referred for settlement to a special commission consisting of two members from the governing body of the city and two members from the district board, with a fifth member chosen by the four city and district representatives. The special commission shall, within six months after the date of the appointment of the fifth member, establish a fair and equitable distribution of the property and other assets of the district.

For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for the balance of the fiscal year.

(Amended by Stats. 1959, Ch. 598.)

14220. Property in territory included within a district shall, from and after the date of such inclusion, be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such inclusion, and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such inclusion. Taxes

14221. Property in territory withdrawn or excluded from a district under this article shall, from the date of the filing, as required by Section 14015, be free from assessments and taxes levied by the district, except that the area shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such withdrawal or exclusion, and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such withdrawal or exclusion. Exemption

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Same 14222. The provisions of Section 58243 of the Government Code shall not apply to any annexation proceedings under this article.

Filing of resolution, etc. 14223. In addition to the filing required by Section 58241 of the Government Code, the district board shall also file a copy of the resolution with the clerk of the board of supervisors, which body shall comply with the provisions of Section 14015.

Article 8.5. Adjustment of Boundaries (Article 8.5 added by Stats. 1957, Ch. 1721)

Petition: 14225. The owner of contiguous real property which is located in two or more districts may petition the board of supervisors to adjust the boundaries of the districts so that all such property will be included in a single district.

(Added by Stats. 1957, Ch. 1721.)

Hearing 14226. The board of supervisors, upon receipt of a petition, shall fix a time for hearing the petition and for hearing protests to the adjustment of the boundaries of the districts and shall give due notice of the hearing to the various districts concerned.

(Added by Stats. 1957, Ch. 1721.)

Objection 14227. The board of supervisors shall consider and pass upon all objection to the adjustment of the boundaries and may, if it finds that the adjustment of the boundaries will not make the further existence of any of the districts impracticable, grant the petition.

(Added by Stats. 1957, Ch. 1721.)

Effective date 14228. The adjustment of the boundaries of the districts shall be effective upon the filing with the State Board of Equalization, the governing bodies of the districts concerned, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the board of supervisors describing the manner in which the boundaries of the districts are to be adjusted and declaring them so adjusted.

(Added by Stats. 1957, Ch. 1721.)

Outstanding indebtedness 14229. Property withdrawn from a district by an adjustment of the boundaries of the district pursuant to this article shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of the adjustment of the district's boundaries.

(Added by Stats. 1957, Ch. 1721.)

Article 9. Consolidation

Applicable provisions 14231. The provisions of Sections 58260 and 58261 of the Government Code notwithstanding, two or more fire districts organized under this part may consolidate, and such consolidation shall be in conformity with the provisions of Article 9

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

(commencing with Section 58260), Chapter 1, Division 1, Title 6 of the Government Code, except as otherwise provided herein.

14232. The resolutions of the governing bodies of the districts proposing to consolidate, or the petitions relating thereto shall also state whether the proposed consolidated district board shall consist of three or five fire commissioners.

Resolutions
or petitions

14233. Insofar as possible, the provisions of this chapter relating to an election on the formation of a local fire district shall apply to an election on the proposition of consolidation called pursuant to this article, except that if on the thirtieth day prior to the day set for the election no petition signed by 5 percent of the voters of any one of the district protesting the consolidation has been received, an election on the proposition of consolidation shall not be held.

Elections

14234. If no election is required, pursuant to the provisions of Section 14233, the board of supervisors shall, after a hearing, proceed under the provisions of Sections 58267 and 58268 of Government Code as though a majority of the voters in each district had voted in favor of the consolidation.

Procedure
without elec-
tion

14235. If pursuant to the provisions of Section 14233 and 14234, the proposition of consolidation is effected, the board of supervisors shall appoint the members of the consolidated board as follows:

Consolidated
board mem-
bers:
Appointment

(a) If only one person has been nominated for each position of fire commissioner to be filled, the board of supervisors shall appoint the person nominated.

(b) If the number of persons nominated for positions of fire commissioner is less than the number of such positions to be filled, the board of supervisors shall appoint the person or persons nominated and such other qualified person or persons as will provide a district board of the size specified in the consolidation resolutions.

(c) If no persons are nominated for the positions of fire commissioner the board of supervisors shall appoint such qualified persons as will provide a district board of the size specified in the consolidation resolutions.

(d) If the number of persons nominated for the positions of fire commissioner is greater than the number of such positions to be filled, the board of supervisors shall appoint the required number of fire commissioners from among those nominated.

14236. If the consolidation resolutions specify that the district board shall consist of three members, the board of supervisors, in making appointments as provided in Section 14235, shall designate one appointee for a three-year term, one for a two-year term and one for a one-year term.

Terms:
Three mem-
bers

14237. If the consolidation resolutions specify that the district board shall consist of five members, the board of supervisors, in making appointments as provided in Section 14235,

Same: Five
members

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

shall designate two appointees for three-year terms, two for two-year terms and one for a one-year term.

Taking office, etc. 14238. Any person appointed pursuant to the provisions of Section 14235 shall qualify, take office and serve as if elected at a general district election.

Concurrent election 14239. If an election on the proposition of consolidation is required, there shall be held concurrent with such election, an election of members of the consolidated district board. Such district board shall be of the size specified in the resolutions proposing consolidation, and the members thereof shall be elected and their tenure of office determined as though the district was being newly formed.

Terms of elected district boards 14240. If the consolidation is effected, the term of office of the district boards of the heretofore separate districts shall terminate and the term of office of the district board of the consolidated district shall commence on the date of the filing required by Section 58268 of the Government Code.

(Amended by Stats. 1959, Ch. 598.)

Succession to funds, etc. 14241. Upon the filing required by Section 58268 of the Government Code, and in addition to the provisions of Section 58269 of the Government Code, the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded or otherwise, of the consolidated districts.

Employees 14242. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and the seniority credits to which each such employee was entitled by virtue of his prior service in the districts.

Article 10. Dissolution of District

Dissolution 14251. Pursuant to the provisions of this article, any district may be dissolved by the district board.

Petition 14252. The provisions of Section 58301 of the Government Code notwithstanding, 50 or more persons who are taxpayers or residents of such district, or a majority of the persons who are taxpayers or residents if there are less than 100 taxpayers and residents in the district, may file with the district board a petition requesting the dissolution of the district.

Election: Notice 14253. Upon receipt of the petition for dissolution, or if the district board initiates the proposition of dissolution, the district board shall, by resolution, call and publish notice of an election on dissolution.

Conduct 14254. The election on dissolution shall be conducted in accordance with the provisions of Article 5 (commencing with

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Section 14131) of Chapter 1, Part 3, Division 12 of this code and of Article 5 (commencing with Section 58130), Chapter 1, Division 1, Title 6 of the Government Code.

(Amended by Stats. 1959, Ch. 598.)

14255. The provisions of Section 58306 of the Government Code notwithstanding, if a community services district has been formed pursuant to Division 2 (commencing with Section 61000), Title 6 of the Government Code, which community services district is coterminous with the dissolved fire district or contains such dissolved district entirely within its boundaries and will render the fire protection services previously rendered by the local fire district, the property and funds of the district, upon its dissolution, vests absolutely in such community services district, and such district shall be subject to all the indebtedness, bonded or otherwise, of the dissolved district.

Community
services
district

14255.1. Upon the dissolution of a local fire district all the funds of the district remaining on hand shall be divided between any city and county in the proportion that the total assessed value of the real property of the territory of the district in the city and without the city bears to the total assessed value of the real property within the district prior to dissolution, as determined by the last equalized assessment roll of the county or counties.

Division of
funds, etc.

14256. Any county which, upon the dissolution of a local fire district, receives any share of the property or funds of the dissolved district, shall use such property or funds for fire protection purposes within the county.

Use of prop-
erty or funds

14257. In the event a district is dissolved by proceedings under this article, by the inclusion of the whole of the district within a city, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such dissolution.

Property
subject
to tax

14258. If a district has filed no financial report with the State Controller for a period of five years, the State Controller shall so certify to the board of supervisors of the county in which the district is located, and the board of supervisors may, by resolution, declare the district dissolved.

Resolution
of dissolu-
tion

Article 11. Reorganization

14271. Any fire department or district organized or reorganized under the act which this chapter supersedes, or under this chapter, or organized under any of the provisions of this part, may be reorganized as a district under this chapter.

Reorganiza-
tion

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Petition:	14272. Fifty or more taxpayers or residents of a district, or a majority of the governing body may petition the board of supervisors of the county in which the fire department or district is situated for reorganization.
Verification and contents	14273. The petition shall be verified by at least one of the petitioners, and shall set forth the boundaries and name of the district and pray that the fire department or district be reorganized under this chapter.
Publication	14274. The petition shall be published by the board of supervisors for at least two weeks preceding the hearing in a newspaper of general circulation published in the county, with a notice stating the time when the petition will be heard and that all persons interested may appear and be heard.
Notice of hearing	
Hearing	14275. At the time fixed for hearing the board of supervisors shall hear the petition.
Limitation	14276. The board of supervisors shall not modify the boundaries of the fire department or district as set forth in the petition so as to exclude from the fire department or district any land which would be benefited by the reorganization of the fire department or district under this chapter, nor shall any lands which would not in the judgment of the board be benefited by the reorganized district be included within the district.
Same	14277. Any territory originally within the boundaries of the previously formed district shall not be excluded from the boundaries of a district reorganized pursuant to this chapter by reason of the fact that at the time of the filing of the petition for reorganization the territory shall then be included within a city; provided, that consent for the inclusion of the territory be given by the legislative body of the city prior to the filing of the petition for reorganization.
Exterior boundaries: Order	14278. If the board of supervisors finds that the statements in the petition are correct it shall make an order describing the exterior boundaries of the territory included within the district as determined by the board and shall order that the territory be organized as a district under this chapter.
Effective date	14279. From and after the making of the order, the fire department or district is organized as a district under this chapter with all the powers conferred in this chapter.
Board and employees	14280. Reorganization shall not affect or impair the status or rights of the district board or of any duly appointed employees of the district, except that a board of three or five fire commissioners to be specified in the petition for reorganization shall be elected as provided in Article 3 of this chapter on the first Tuesday of April following the date of reorganization of the district under this chapter. The terms of such commissioners so elected shall be determined in the same manner as provided in Article 3 of this chapter in connection with the formation of a local fire district hereunder.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

14281. The reorganization shall not affect or impair the title to any property owned or held by, or in trust for, the district, or any debts, demands, liabilities, or obligations existing in favor of or against the district, or any pending proceedings.

Title to property, etc.

14282. Any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken while the district was organized under the provisions of this chapter.

Validity of titles, etc.

14283. Reorganization shall not operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, nor to discharge any person from any liability then existing for any violation of such ordinance. Such ordinances, so far as they are not in conflict with general laws shall remain in force until repealed or amended by competent authorities.

Ordinances

14284. After reorganization, proceedings theretofore commenced shall be conducted in accordance with this chapter.

Proceedings

14285. The legality or existence of a fire department or district reorganized as provided for in this chapter shall not be affected by reason of any defect or illegality in the formation of the previously formed fire department or district. It is the intention of this article to provide a procedure for the reorganization as a district under this chapter of all fire departments or districts as may not have legal existence or may desire to be governed by this chapter.

Legality or existence

Article 12. Creation of Special Fire Protection Zones

(Article 12 added by Stats. 1957, Ch. 1623)

14301. Upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district for the purpose of paying for the installation of capital improvements such as fire mains, fire plugs, or any other similar improvement, which is of sole benefit to the territory in a zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

Initiation of proceedings

(Added by Stats. 1957, Ch. 1623.)

14302. The resolution initiating the proceedings shall describe the boundaries of the proposed special fire protection zone, declaring that public interest and necessity demands its creation, and the reasons therefor, and set a date for a public hearing on the question of the creation of the zone before the district board.

Resolution

(Added by Stats. 1957, Ch. 1623.)

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

Notice of
hearing

14303. Notice of the hearing shall be given by the publication of a copy of the resolution in the manner prescribed for the publication of notices in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

(Added by Stats. 1957, Ch. 1623.)

Objection

14304. Any person interested, at or before the hearing, may file with the district board a written objection to the creation of the zone or to the inclusion of his property in it. At the hearing the district board shall hear and determine all protests and objections. At the conclusion of the hearing the district board shall decide and determine whether the zone shall be formed with the boundaries as described in the original resolution, except that it may revise the proposed boundaries by reducing the size of the zone. A copy of the order creating a special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901, and 54902 of the Government Code.

(Added by Stats. 1957, Ch. 1623.)

Tax levy

14305. The district board, after complying with the provisions of Sections 54900, 54901, and 54902 of the Government Code, shall levy a tax upon all taxable property in a special fire protection zone to provide a fund for expenditure for the purposes stated in the resolution proposing the creation of the zone which the district board determines will be for the sole benefit of the zone.

(Added by Stats. 1957, Ch. 1623.)

Abolish-
ment of
district

14306. Any special fire protection zone may be abolished by resolution of the district board, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the district board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1957, Ch. 1623.)

CHAPTER 1a. METROPOLITAN FIRE PROTECTION DISTRICTS (Chapter 1a added by Stats. 1939, Ch. 836)

Article 1. General Provisions

Area that
may be
organized

14325. Any city or cities, county or counties, or combination thereof, or portions of either or both, or combinations thereof, may be formed into a metropolitan fire protection district.

(Added by Stats. 1939, Ch. 836.)

Purposes

14326. The purposes for which a district may be formed are:

(a) The prevention and extinguishing of fires on brush covered or forest covered lands within the district.

NOTE: For legislative history of sections, see note at beginning of Division 12, Part 3 (commencing Section 14001).

(b) The acquisition, construction, and maintenance of roads, water pipelines, fire hydrants, water tanks, pumping plants, reservoirs, firebreaks, trails, and other works necessary or convenient for the prevention and extinguishing of fires.

(c) The issuance of bonds and the payment thereof and interest thereon and the expenditure of money raised thereby for carrying out the purposes for which the district is established.

(Added by Stats. 1939, Ch. 836.)

14327. As used in this chapter:

"County" includes city and county.

"Legislative body" means the board of supervisors of a county, the city council or board of trustees of a city, and includes any body exercising the functions of the foregoing by whatever name it may be called.

"Initiating body" means the legislative body with or by whom proceedings under this chapter are initiated.

"Main county" means the county in which the district lies, and if the district lies in more than one county, the main county is the one in which the greatest portion of the district lies.

"District" means a district organized pursuant to this chapter.

(Added by Stats. 1939, Ch. 836.)

Article 2. Resolution of Intention

14330. Any legislative body may adopt a resolution declaring its intention to form a metropolitan fire protection district under this chapter.

(Added by Stats. 1939, Ch. 836.)

14331. The resolution of intention shall contain all of the following:

(a) The name of the proposed district.

(b) A description of the boundaries of the proposed district which may be by reference to any publicly filed or recorded map.

(c) A description of what is proposed to be done by the district, which may refer to a plan on file with the initiating body.

(d) An estimate of the cost of improvements proposed to be made, acquired, constructed, or otherwise accomplished.

(e) An estimate of the annual cost of maintenance of the improvements and of the district.

(f) A statement that bonds are proposed to be issued for such improvements, and the maximum amount of the bonds.

(Added by Stats. 1939, Ch. 836.)

14332. A copy of the resolution of intention shall be forwarded immediately to the clerk of the legislative body of each city or county, all or any portion of which is proposed

Definitions

"County"

"Legislative body"

"Initiating body"

"Main county"

Resolution of intention to form

Contents

Copy to each legislative body

to be included in the district. The clerk shall present the resolution to the legislative body.

(Added by Stats. 1939, Ch. 836.)

Adoption or
rejection by
each legis-
lative body

14333. Each legislative body to whom the resolution is presented shall, at its next regular meeting or at a special meeting prior thereto called for the purpose, adopt or reject the resolution and the clerk thereof shall transmit a statement of the action to the initiating body. Such statement shall be filed within 60 days after the adoption of the resolution by the initiating body.

(Added by Stats. 1939, Ch. 836.)

Effect of
rejection

14334. If the legislative body of any county or city rejects the resolution, no proceedings shall be had thereunder as to that county or city pursuant to this chapter, until its legislative body shall have rescinded its action and adopted the resolution. A resolution may, however, be adopted by a city within a county, despite the rejection by the legislative body of the county.

(Added by Stats. 1939, Ch. 836.)

Notice

14335. Within 30 days after the expiration of the time for filing the statement of adoption or rejection, the clerk of the initiating body shall notify the clerk of each legislative body adopting the resolution to publish or post notice of hearing on the resolution and protests thereon at a time and place to be fixed by the clerk of the initiating body. Publication or posting of notice shall be completed not less than 10 days prior to the date of hearing.

(Added by Stats. 1939, Ch. 836.)

Publication

14336. The clerk of the legislative body of each city affected shall publish notice of the resolution and the time and place of hearing in at least one issue in a newspaper of general circulation printed and published in the city.

(Added by Stats. 1939, Ch. 836.)

Same

14337. The clerk of the legislative body of each county affected shall publish notice of the resolution and the time and place of hearing in at least one issue in some newspaper of general circulation printed and published in the county and circulated within the portions of the county in the proposed district not included within cities in the proposed district. If no portion of the proposed district within the county is included within a city no notice is required by this section.

(Added by Stats. 1939, Ch. 836.)

Posting

14338. In case no such newspaper exists or if one exists, it is not qualified to publish the notice, notice shall be given by the clerk by posting in three public places within the city, county, or area affected, as the case may be.

(Added by Stats. 1939, Ch. 836.)

Form of
notice

14339. The clerk of the initiating body shall prescribe a form of notice which shall include a brief description of the purposes of the formation of the district and which may refer

to the resolution of intention for further details. The expense of publication or posting shall be paid by the legislative body the clerk of which publishes or posts the notice.

(Added by Stats. 1939, Ch. 836.)

Article 3. Hearing and Protest

14340. Any person objecting to the formation of the district, the boundaries thereof, or any other matter connected therewith, may file a written protest not less than 72 hours prior to the time fixed for hearing. The protest may be filed either with the clerk of the initiating body or with the clerk of the legislative body of the city or county affected which is the residence of the person protesting. If a protest is filed with a clerk other than the clerk of the initiating body the protest shall be transmitted immediately to the initiating body. Protest

(Added by Stats. 1939, Ch. 836.)

14341. At the time and place of hearing, the initiating legislative body shall consider all protests and hear witnesses and take evidence thereon. The hearing may be adjourned from time to time and from place to place, but not for a greater period than 30 days in all. Hearing

(Added by Stats. 1939, Ch. 836.)

14342. At the hearing the initiating body shall determine the boundaries of the district, and shall exclude from the proposed district all of the areas within the jurisdiction of legislative bodies which have rejected the resolution. The initiating body may exclude any other part of the proposed district if it finds that said part will not be benefited by being a part of the proposed district. Determination of boundaries

(Added by Stats. 1939, Ch. 836.)

14343. At the hearing the initiating body may include in the proposed district areas not included therein by the original resolution of intention, if the owners of all of the real property so included assent thereto in writing, and if the legislative body or bodies having jurisdiction over the area or areas also assent to such inclusion. Such assents shall be obtained and filed within 30 days after the original date of hearing. Same

(Added by Stats. 1939, Ch. 836.)

14344. In the event the initiating body, after hearing, determines that the proposed district should be formed with the boundaries as fixed and determined pursuant to this article it shall declare the district established. If the district is not so established, no proceedings shall be instituted for the formation of a district under this chapter covering all or any part of the same area until six months have elapsed after the final determination of the first proceeding. Formation

(Added by Stats. 1939, Ch. 836.)

Failure to form

Article 4. Election on Issuance of Bonds

Bond
election

14345. At any time after the establishment of a district, the initiating body may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution of intention.

(Added by Stats. 1939, Ch. 836.)

Resolution

14346. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate of interest to be paid thereon, the nature of the proposed works or improvements, the estimated amount of all expenses incidental to or connected with the proposed works or improvements, and the amount of money, if any, available as contributions to such improvements from any public source whether Federal, State, or local.

(Added by Stats. 1939, Ch. 836.)

Notice

14347. Notice of election shall be given by the initiating body at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper, shall be in at least two consecutive issues. The initiating body may give such other notice as it sees fit.

(Added by Stats. 1939, Ch. 836.)

Procedure

14348. The initiating body shall establish precincts within the district and designate polling places within such precincts. In all particulars not inconsistent herewith the general law governing elections shall apply to an election under this article.

(Added by Stats. 1939, Ch. 836.)

Date, hours

14349. The initiating body shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The initiating body shall fix the hours during which the polls are to be open.

(Added by Stats. 1939, Ch. 836.)

Who may
vote. Major-
ity required

14350. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of bonds, the initiating body is thereupon authorized to issue the bonds.

(Added by Stats. 1939, Ch. 836.)

Article 5. Bonds

Bonds

14351. Bonds issued pursuant to this chapter shall be issued as follows:

Annual
payments

(a) A part to be determined by the initiating body, which shall be not less than one-fortieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may, in the discretion of the initiating body, be postponed not more than five years from the date of issuance. Date of payments

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds. Interest

(d) The denomination of the bonds shall be fixed by the initiating body, but shall not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) each. Denominations

(e) The bonds shall be signed by the chairman or other presiding officer of the initiating body and by the treasurer of the main county. Signatures may be facsimile by use of an engraved or lithographed signature. Signatures

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the main county, in like manner as the bonds. Coupons

(Added by Stats. 1939, Ch. 836.)

14352. Such bonds shall be sold by or on behalf of the initiating body for not less than the face value thereof. Selling price

(Added by Stats. 1939, Ch. 836.)

14353. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon. Signatures

(Added by Stats. 1939, Ch. 836.)

14354. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the main county, and shall be withdrawn therefrom only upon the order of the initiating body or pursuant to its directions and only for the carrying out of the purposes of this chapter for which the district is organized. Proceeds

(Added by Stats. 1939, Ch. 836.)

14354.1. In determining the amount of bonds to be issued, the legislative body may include: Determination of amount

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 6. Revenue and Taxation

14355. The initiating body shall annually determine the amount of money to be provided for the district for the ensuing fiscal year and shall certify the amount to the legislative body of the main county. The amount shall be sufficient to pay the principal and interest on outstanding bonds according to their tenor and the costs of maintenance of the district. Determination of amount needed

(Added by Stats. 1939, Ch. 836.)

Apportion-
ment

14356. The legislative body of the main county shall apportion to the several counties the amount to be raised by taxation in each, which apportionment shall be based upon the area of land within the district lying in the several counties.

(Added by Stats. 1939, Ch. 836.)

Tax levy

14357. The legislative body of each county in which all or any portion of the district lies shall annually levy a tax upon all of the real property, exclusive of improvements, within the district and within the county, in an amount sufficient to raise the sum required to be raised in such county for the district.

(Added by Stats. 1939, Ch. 836.)

Sinking fund

14358. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated as a sinking fund.

(Added by Stats. 1939, Ch. 836.)

Rate

14359. The legislative body of the county collecting the tax shall, in fixing the rate of the tax, allow not to exceed 15 per cent for anticipated delinquencies.

(Added by Stats. 1939, Ch. 836.)

Manner of
collection

14360. The tax shall be collected in the same manner and at the same time as other county taxes.

(Added by Stats. 1939, Ch. 836.)

Deposit

14361. All sums collected as such tax shall be deposited with the treasurer of the main county, and shall be paid out only upon the order of the initiating body or pursuant to its direction.

(Added by Stats. 1939, Ch. 836.)

Article 6.5. Claims

(Article 6.5. Added by Stats. 1959, Ch. 1727)

Governing
law

14363. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Article 7. Powers of District

Governing
body

14365. The initiating body shall be the governing body of the district and shall make all contracts on behalf of the district.

(Added by Stats. 1939, Ch. 836.)

Contracts
by bid

14366. All contracts for construction, completion, maintenance, or for labor, materials, or supplies, shall be let to the lowest responsible bidder.

(Added by Stats. 1939, Ch. 836.)

14367. The initiating body may require such bonds as it Bonds deems desirable as a condition to the filing of a bid or the granting of a contract.

(Added by Stats. 1939, Ch. 836.)

14368. The initiating body shall advertise for bids by Advertising advertising in two or more newspapers of general circulation printed and published in the district.

(Added by Stats. 1939, Ch. 836.)

14369. The initiating body, in lieu of calling for bids, **may** Work with- do any act or work itself in the manner provided by law. out contract

(Added by Stats. 1939, Ch. 836.)

14370. The initiating body shall have all powers neces- General sary or requisite for carrying out the purposes for which the powers district was formed.

(Added by Stats. 1939, Ch. 836.)

Article 8. Alternative Method

14375. This chapter provides an alternative procedure for Chapter organizing and operating a fire protection district and shall not to not affect any other law providing for fire protection districts. affect other When, however, a district is organized pursuant to this chap- methods ter, the provisions of this chapter, and none other, shall apply to such districts.

(Added by Stats. 1939, Ch. 836.)

CHAPTER 2. COUNTY FIRE PROTECTION DISTRICTS

Article 1. General Provisions

14400. Any portion of a county composed of unincorpor- Area that ated territory, incorporated territory, or any combinations may be thereof may be formed into a county fire protection district organized pursuant to this chapter, but not including any commercial forest land which is timbered land declared to be the responsibility of the State for fire protection by Article 1 (commencing at Section 4000), Chapter 1, Division 4 of the Public Resources Code.

(Amended by Stats. 1959, Ch. 1539.)

14400.5. Upon the inclusion within a fire protection district State respon- of lands declared, pursuant to Article 1 (commencing at Sec- sibility tion 4000), Chapter 1, Division 4 of the Public Resources Code to be the primary responsibility of the State for fire protection, the primary fire protection responsibility for such lands shall remain with the State.

(Added by Stats. 1959, Ch. 1539.)

14401. Any city or any portion thereof may be embraced Inclusion and included in a district for fire protection purposes upon the of city adoption of an ordinance by the governing body of the city declaring its intention and desire that the city or any designated portion thereof be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary of State and with the board of supervisors of

the county within which the district is located; provided, however, that no city nor any portion thereof shall be annexed to a county fire protection district without the approval of the governing body of the district; and provided further, that the governing body of the district may require as a condition to such annexation or inclusion that the city or portion thereof annexed or included within the district remain a part of such district or its successor district for a period of time not to exceed 10 years.

(Amended by Stats. 1953, Ch. 751, by Stats. 1955, Ch. 1633, and by Stats. 1957, Ch. 760.)

Same 14402. From and after such filings the city, or any portion thereof, is a part of the district.

(Amended by Stats. 1953, Ch. 751.)

"District" 14403. "District," as used in this chapter, means a fire protection district created pursuant to this chapter or pursuant to any law which it supersedes.

"Board" 14404. "Board," as used in this chapter, means the board of supervisors of the county in which the district is situated.

Exemption from Stats. 1933, p. 2142 14405. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933."

(Amended by Stats. 1939, Ch. 222.)

Use of apparatus outside district 14406. Whenever a fire occurs within the limits of any district and is of such proportions that it cannot be adequately handled by the fire department of the district, or whenever a fire occurs in any unincorporated territory of a county not included within a district, or whenever a fire occurs in a city and upon request of the fire chief or authorized authority of said city, the apparatus, equipment and fire fighting force of any district within the county may be used for the purpose of extinguishing the fire.

(Amended by Stats. 1949, Ch. 544.)

14407. (Repealed by Stats. 1943, Ch. 158.)

Article 2. Notice and Hearing

Determination 14410. The board of supervisors of any county may determine that a portion of the unincorporated territory of the county is in need of fire protection and should be formed into a fire protection district.

Notice: Publication 14411. The board shall fix a time and place for a hearing of the matter of the formation of the district and shall direct the clerk of the board to publish a notice once a week for two successive weeks in a newspaper of general circulation circulated in the territory which it is proposed to organize into a fire protection district, which the board deems most likely to give notice to the inhabitants of the proposed formation of the district.

Posting 14412. The board shall direct the clerk to cause the notice to be posted in three public places in the territory, at least 10 days prior to the date set for hearing.

14413. The notices shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county in which the proposed district is to be located)." In the notice as posted, the heading shall be in letters of not less than one inch in height. Heading of notice

14414. The notice as published and posted shall state that the board has fixed the time and place, which shall be stated in the notice, for a hearing on the matter of the formation of a county fire protection district. Contents

14415. The notice shall set forth the exterior boundaries of the territory proposed to be organized into a district. The boundaries, so far as practicable, shall be the center lines of highways. Same

14416. At any time prior to the time fixed for hearing, any person interested may file with the clerk written objections to the formation of the district. Objections

14417. At the hearing, or at any time to which it may be continued, the board shall consider and pass upon all written objections filed. Hearing

14418. If the board overrules the objections, it shall hear any person having objection to the inclusion of any territory within the proposed district, and may exclude any territory which would not be benefited by incorporation within the district. Exclusion of territory

14419. At the conclusion of the hearing, the board may abandon the proposed establishment of a county fire protection district, or may decide to establish a district. Determination

Article 3. Election on Formation

14425. If the board decides to establish a district the board shall, by resolution, provide for and order the holding of a special election within the proposed district, and the submission to its qualified electors, of the proposition of forming the district. Formation election: Resolution

14426. The resolution shall describe the boundaries of the proposed district as set forth in the notice of the proposed formation or as they may have been modified by the exclusion of territory. Contents of resolution

14427. The resolution shall:

Same

(a) Set forth the date of election which shall be at least 20 days after the adoption of the resolution.

(b) Designate one or more precincts within the boundaries of the proposed district.

(c) Designate a polling place in each precinct, and the names of the election officers who shall be one inspector, one judge and one clerk for each precinct.

14428. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, except that no notice of election other than the publication and posting of the resolution need be given. Election law

Publication	14429. The resolution ordering the holding of the election shall be published once a week for two successive weeks prior to the date set for the election, in the newspaper of general circulation circulated within the proposed district deemed by the board to be the most likely to give notice to the electors of the proposed election.
Posting	14430. The resolution shall also be posted in three of the most public places within the proposed district at least 10 days prior to the date set for the election.
Ballots	14431. The ballots at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District be established," and opposite and to the right of the proposal, shall be printed the words "Yes" and "No," together with voting squares.
Result	14432. If a majority of the votes cast are in favor of the establishment of the district, the board shall enter a finding to that effect upon its minutes and thereafter the district is established and organized as a county fire protection district.

Article 4. Powers and Duties of the Board

Rules and regulations	14440. The board is the governing body of the district and may make and enforce all rules and regulations necessary for the administration and government of the district, for the furnishing of fire protection to, and for the elimination of fire hazards in, the district.
Agents and employees	14441. The board may appoint agents and employees for the district sufficient to maintain and operate the property acquired for district purposes and to police the district.
Inflam-matory material	14442. The board may clear any or all town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material.
Property	14443. The board may acquire real or personal property needful for district purposes and dispose of it when no longer needed.
Construction	14444. The board may construct any needed structures.
Rescue service	14444.1. The board may authorize rescue or first aid service as a function of the district and may appoint agents and employees and acquire needed property or equipment for such purposes, disposing of it when no longer needed. (Added by Stats. 1949, Ch. 544.)
Fire prevention activities	14444.2. The board may authorize fire prevention activities by the district and may authorize in connection with that activity educational work for the information of the public relative to the prevention of fires and the conservation of natural resources. (Added by Stats. 1953, Ch. 199.)
Powers generally	14445. The board may perform all other acts necessary or proper to accomplish the purposes of this chapter, and not inconsistent with its provisions.

14446. The board may, by resolution, adopt the provisions of any charter of the county relating to civil service, and may also adopt the rules, regulations and procedures of any civil service commission of the county as they may exist at the time of the adoption of the resolution or may thereafter be changed or amended. Civil service

14446.5. In adopting the charter provisions of any county relating to civil service and the rules, regulations, and procedure of any civil service commission of the county, the board may, in its resolution of adoption, provide for either of the following: Civil service

(a) That the employees of the district shall submit to the examinations required by such charter, rules, regulations, and procedure;

(b) That all district employees, with the exception of those holding temporary appointments, in the employ of the district at the time the resolution is adopted shall continue to serve in their respective positions without examination, subject to such changes in classes or grades of positions as may be made by the civil service commission in the exercise of its powers, or as may be provided by law.

(Added by Stats. 1939, Ch. 219.)

14447. The members of any civil service commission and the officers, attaches and employees of any civil service department of the county are ex officio the civil service commission and civil service department of the district. Commission,
department

14448. The commission and the members of the department shall perform the same duties for the district as they perform for the county without additional compensation, except that the commissioners shall be reimbursed by the district for any necessary additional expenses incurred by them by reason of their performance of duties for the district. Compensation

14449. The cost to the county for the performance of the duties by the civil service commission or civil service department for the district shall be reimbursed to the county by the district. Cost

14450. In any county in which there is more than one district, the board may, by the adoption of a single resolution, designate all or any one of the districts to which such civil service rules, regulations and procedures shall apply, and when the resolution has been adopted by the board such rules, regulations and procedures are applicable to the named districts until the electors of the district, by a majority vote, instruct the board to remove the district from the operation of the rules, regulations and procedures of civil service. Where
more than
one district

14450.5. In any county where there is more than one district, the board may, by the adoption of a single resolution, instruct the civil service commission, or department, of any county, to hold one examination for the combined districts within any such county for each rank of candidates, to establish one eligible list, and permit qualified candidates, to transfer from one district to another for appointment. Civil service

Transfer of
employees

The board of supervisors shall, subject to such civil service rules as may be applicable, permit the transfer after appointment of district employees from one district to another in the interest of efficiency and to permit requested changes in places of assignment.

(Added by Stats. 1941, Ch. 205; amended by Stats. 1949, Ch. 544.)

Seniority

14450.6. When one or more districts are under the same governing board, a seniority list, based upon the seniority of a district employee in relation to the seniority of the employees of all the districts within the county under the same governing board may be promulgated and used in the layoff of all district employees. If a district is dissolved or included in a city either by annexation or incorporation, the employees of the district shall be laid off or transferred to another district in the county, depending upon their standing on said seniority list. Persons laid off shall be eligible for reemployment and shall be reemployed in preference to new applicants in any district in the manner and for such period of time as may be prescribed by the rules of the Civil Service Commission.

(Added by Stats. 1949, Ch. 544.)

Employees'
status

14451. This article does not make the employees of any district employees of the county.

The board in any county that has adopted civil service rules, regulations and procedure consistent with charter provisions for employees of the district may, in the event that any unincorporated area of the county is embraced by the district, change to the extent permitted by the charter of the county concerned, the status of any district employee to that of county employee status without further civil service examination or any forfeiture of seniority or other rights.

The board in any county that has a regularly organized county firewarden department, the employees of which are qualified under charter provisions relating to civil service, and the rules, regulations and procedure of the civil service commission of said county, may, in the event that all or part of the unincorporated area of the county is embraced by the district, change the status of said firewarden department employees or those firewarden department employees affected by a partial embracement of unincorporated area of the county by the district, from county employees to district employees without further civil service examination or any loss of seniority or other rights. The board in any county that has a regularly organized county firewarden department may return to district status any employees thereof who qualify under the charter provisions relating to civil service and the rules, regulations and procedure of the civil service commission of said county, and who prior to becoming county employees were employed by the district for a period not less than three years continuous service without further civil service examination or any loss of seniority, or other rights.

(Amended by Stats. 1949, Ch. 544.)

14451.1. If the civil service commission or body performing ^{Same} the functions thereof for the district finds that any person has been employed by a city which or any portion thereof has been annexed to or included within a fire protection district, in a position the duties of which, and qualifications for which are substantially the same as those of any position in the fire protection district, at the request of the governing body of the district, the civil service commission or such other body, may certify, without examination, such person as eligible to hold such fire protection district position. If a person is employed by a fire protection district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by a city, all time employed in such city position shall be considered as time employed by the fire protection district, for the purpose of determining seniority rights and salary rates.

(Added by Stats. 1955, Ch. 1633.)

14452. The board may accept donations or contributions ^{Acceptance of donations or contributions} of any kind or nature made to the district; and may expend any funds donated or contributed to the district in furtherance of the purposes of this chapter.

(Added by Stats. 1939, Ch. 381.)

14453. The board may, by resolution or order entered upon its minutes, either appoint five commissioners or it may call for the election of five commissioners, in accordance with the election provisions of the District Organization Law, Sections 58160 to 58180, inclusive, of the Government Code, to act as its agents in managing the affairs of the district and in exercising any or all of the powers vested in it. Commissioners so appointed shall: ^{Commissioners to act as agents for board}

(a) Hold office at the pleasure of the board and serve without compensation.

(b) Elect one of their number president and another secretary.

(c) Hold meetings periodically and as often as the business of the district may require.

(Added by Stats. 1939, Ch. 381; amended by Stats. 1953, Ch. 643.)

14454. The name of a district may be changed pursuant ^{Change of name} to the procedure prescribed in this section. The board shall first adopt a resolution of intention to change the name of the district, which resolution shall specify the proposed new name of the district. Notice thereof shall be published pursuant to Section 14461. After a hearing on the matter, the board may adopt a resolution changing the name of the district. Upon the filing of a notice of such change of name with the county auditor and county clerk the district shall thereafter be known by the name specified in the resolution.

(Added by Stats. 1957, Ch. 1450.)

Article 4.5. Commissioners
(Article 4.5 added by Stats. 1939, Ch. 218)

Commission 14455. The board of supervisors may, by resolution or order entered upon its minutes, either appoint a commission of five commissioners or it may call for the election of five commissioners, in accordance with the election provisions of the District Organization Law, Sections 58160 to 58180, inclusive, of the Government Code, to manage the affairs of the district.

(Added by Stats. 1939, Ch. 218; amended by Stats. 1953, Ch. 643.)

Term 14455.1. If the commissioners are appointed by the board, they shall hold office as provided in Section 14455.11. If the commissioners are elected, they shall hold office for a term of three years. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district. On adoption of a resolution of the board of supervisors permitting reimbursement for travel expense and establishing maximum amounts allowable, the commissioners and employees of the district may be reimbursed for reasonable expenses, including transportation, in attending professional or vocational meetings outside the county in which the district is situated.

Compensation

(Added by Stats. 1939, Ch. 218; amended by Stats. 1953, Ch. 289 and Ch. 643, and by Stats. 1959, Ch. 1966. Operative January 1, 1960.)

Terms of appointees 14455.11. Where the commissioners are appointed by the board, the board shall determine whether the commissioners shall serve at the pleasure of the board, or for a term of four years subject to removal by the board for cause. If the commissioners are appointed for four-year terms, the terms of members first appointed shall expire as follows: one member, one year from the effective date of his appointment; one member, two years from the effective date of his appointment; one member three years from the effective date of his appointment; and two members four years from the effective date of their appointments. The determination as to which commissioners shall serve the one-, two-, three- and four-year terms shall be determined by the board by lot.

(Added by Stats. 1959, Ch. 1966. Operative January 1, 1960.)

Officers 14455.2. Commissioners appointed or elected shall organize by electing one of their number president, and by electing a secretary, who need not be a commissioner, and who may or may not be compensated for his services.

(Added by Stats. 1939, Ch. 218; amended by Stats. 1953, Ch. 643.)

Records 14455.3. The commission shall keep a record of its proceedings and of the receipts and disbursements of the district.

(Added by Stats. 1939, Ch. 218.)

14455.4. The commission has the same power as the board to make and enforce rules and regulations relating to fire prevention or fire fighting within the district. Rules and regulations

(Added by Stats. 1939, Ch. 218.)

14455.5. The commission may enter into contracts with cities or other fire protection districts regarding the joint use of fire apparatus and equipment. The commission may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department. Contracts

(Added by Stats. 1939, Ch. 218; amended by Stats. 1959, Ch. 1057.)

14455.6. The commission may appoint one or more fire chiefs, assistants, and regular or volunteer firemen, and pay them with warrants or claims drawn upon the funds of the district. Employees

(Added by Stats. 1939, Ch. 218.)

14455.7. The commissioners, and any fire chiefs, assistants, and regular or volunteer firemen appointed by them, have the same authority and are subject to the same laws as the members of any city or other fire department in respect to trespass, the setting of backfires, policing, and the use of special equipment on automobiles. Powers and liabilities

(Added by Stats. 1939, Ch. 218. Section of same number added by Stats. 1947, Ch. 1226.)

14455.7. The commissioners may purchase, acquire, lease, operate and maintain ambulances whenever necessary and may take out liability and other insurance therefor. They may employ trained personnel to operate these vehicles. Ambulances

(Added by Stats. 1947, Ch. 1226. Section of same number added by Stats. 1939, Ch. 218.)

Article 5. Ordinances of the Board

14460. The board of supervisors as governing body of any district may adopt such ordinance or resolution as it may deem proper to prevent fires and conflagrations. Ordinances and resolutions

14461. The ordinance or resolution shall be signed by the members of the board and published in a newspaper printed in the district, or posted in three of the most public places for a period of two weeks, at the end of which time it is a law for the government of the inhabitants of the district. Execution, publication, posting

14462. The ordinance or resolution may provide for and require the cleaning of town lots, homesites, villa lots, or lands immediately adjacent within the district of dry grass, weeds, stubble, brush, rubbish, litter, or other inflammable material. Provisions: Cleaning of premises

14463. The ordinance or resolution may authorize the proper authorities to enter upon and clean such premises upon Failure of owner to clean

default of the owner to clean them after due notice and warning, and to collect the cost of cleaning by adding the cost to the taxes assessed to the owner.

Notice and warning:
Posting

14464. The ordinance may provide that posting of notice and warning to remove inflammable material in a conspicuous place on the premises affected for a period of not less than five days before the meeting of the board at which it authorizes the cleaning of the premises by the proper authorities and the assessing of the cost to the owner of the premises, is sufficient notice and warning.

Manner of giving, hearing

14465. The ordinance shall specifically set forth the manner and form of giving notice and warning, and shall provide for a hearing and protest of the owner of the premises before the board.

Submission to electors

14466. The board may submit the ordinance or resolution to the electors of the district for approval or rejection, upon such notice and at such special or general election, as it deems proper.

Article 6. Duties of Division of Forestry

Supervision by Chief, Division of Forestry

14470. The Chief of the Division of Forestry, with the approval of the Director of the State Department of Natural Resources shall upon the written request of any county board of supervisors exercise a general supervision over and make and enforce all necessary and proper rules and regulations relating to the following:

(a) The type and nature of all fire prevention and fire fighting implements and apparatus purchased by any district and its location in the district.

(b) The maintenance and upkeep of all implements and apparatus purchased by the district.

(c) The maintaining and increasing of the efficiency of the fire prevention and fire fighting organization of the district.

(d) The reporting of cause, extent, and damage resulting from each fire within the district.

Boundaries and map

14471. The board shall upon the request of the Chief of the Division of Forestry provide him with an accurate description of the boundaries of each district within the county and a map on which the boundaries are plainly and accurately delineated.

Article 7. Finance and Taxation

Annual tax

14480. The board shall levy a tax each year upon all taxable property, real, personal or mixed in each district sufficient to defray the cost of maintenance and to meet such other expenditures as are authorized.

(Amended by Stats. 1939, Ch. 418.)

Amount of tax

14480.1. The board may determine the amount of the tax to be levied upon property within the incorporated areas of the district and the amount of the tax to be levied upon property within unincorporated areas of the district. The tax

levied within incorporated areas of the district may be sufficiently higher than that levied in unincorporated areas to defray costs of acquiring and maintaining fire fighting implements, apparatus, and equipment, including water mains, hydrants and water, which are provided for and usable solely in protecting property within the incorporated area from loss or damage by fire.

(Added by Stats. 1939, Ch. 418.)

14480.2. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter. Such special tax shall be levied each year until said bonds are paid or until there shall be a sum in the bond service fund sufficient to meet all sums to become due for the principal of and interest on such bonds. Such special tax shall be sufficient to pay the interest on such bonds as the same becomes due, and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal; provided, however, that if the maturity of such bonds be made to begin more than one year after the date of such bonds, such special tax shall be sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Said special tax shall be levied at a rate uniform throughout the district and the provisions of Section 14480.1 shall not apply to said special tax. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the payment of any matured bond or interest coupon upon presentation thereof.

Special tax
for interest
etc.

(Added by Stats. 1947, Ch. 1345; amended by Stats. 1949, Ch. 741.)

14480.3. The board shall, in fixing the rate of the tax, allow not to exceed 15 percent for anticipated delinquencies.

Anticipated
delinquencies

(Added by Stats. 1947, Ch. 1345.)

14480.4. The special tax for bonds shall be collected in the same manner and at the same time as other county taxes.

Collection

(Added by Stats. 1947, Ch. 1345.)

14480.5. All costs incurred by the county in connection with the issuance of bonds pursuant to Article 7.7 of this chapter shall be reimbursed to it by the district for whose account the bonds are issued.

Cost of
issuance

(Added by Stats. 1947, Ch. 1345.)

14480.6. The board may establish a fund or funds for capital outlays to finance the construction of fire stations, installation of fire alarm systems, purchase of fire apparatus, and any other needed facilities. If such a fund is established, the board shall declare the purposes for which the fund is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Establish-
ment of
capital
outlay fund

(Added by Stats. 1949, Ch. 544.)

Transfer of
surplus funds

14480.7. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unencumbered surplus funds remaining to the credit of the district at the end of any fiscal year.

(Added by Stats. 1949, Ch. 544.)

Use and dis-
continuance

14480.8. Whenever a capital outlay fund is established, it shall be used only for the purposes specified at the time the fund was established except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purposes, the board shall discontinue the fund or transfer so much thereof as is no longer required for such purposes to the district general fund.

(Added by Stats. 1949, Ch. 544.)

Levy and
collection

14481. The tax shall be levied and collected at the same time and in the same manner as taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this chapter with respect to the district within which collected and for no other purpose.

Refunds

14482. If any taxes are collected pursuant to this chapter, and it is subsequently determined by a court of competent jurisdiction that the district was not legally formed or created by reason of a failure to comply with any provision of this chapter, any person who has paid taxes levied pursuant to this chapter is entitled to a return of any taxes so paid upon the filing of a verified claim or demand for refund with the board of supervisors of the county in which the district lies, within six months after the time it is finally determined that the attempted formation of the district was ineffectual or invalid if any proceeds of the tax are on hand in the county treasury.

Division
of funds

14483. At the expiration of the time within which claims for refunds may be made, all money then on hand shall be divided between the county in which the district is located, and any cities which may have within their corporate limits any of the territory embraced within the boundaries of the district declared invalid, in such proportion as the area of the district lying within the county and city, respectively, bears to the entire area of the district.

Use of funds
divided

14484. Any funds so divided shall be used by the city or county, as the case may be, to which apportioned, for fire protection purposes only.

Warrants:
Interest

14485. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds, shall bear 7 per cent interest from the date of registry as unpaid with the county treasurer.

Amount

14486. The amount of such warrants shall not exceed the income and revenue provided for the year in which the indebtedness was incurred.

Article 7.1. Claims

(Article 7.1. Added by Stats. 1959, Ch. 1727)

14488. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Governing
law

(Added by Stats. 1959, Ch. 1727.)

Article 7.5. Capital Outlays

(Article 7.5 added by Stats. 1945, Ch. 342)

14490. The board upon request of the commission of the district may establish a fund for capital outlays. If such a fund is established, the board shall include in the annual tax levy for the district an item stating the amount to be included for this purpose.

Establish-
ment of
capital
outlay fund

(Added by Stats. 1945, Ch. 342.)

14491. At any time after the creation of a capital outlay fund, the board may transfer to such fund any unincumbered surplus funds remaining to the credit of the district at the end of any fiscal year.

Transfer
of surplus
funds

(Added by Stats. 1945, Ch. 342.)

14492. Whenever a capital outlay fund is established, it shall be used only for such purpose, except that if it is found that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, the board shall discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the district general fund.

Use and dis-
continuance

(Added by Stats. 1945, Ch. 342.)

Article 7.7. Bonds

(Article 7.7 added by Stats. 1947, Ch. 1345)

14495. If the structure or structures, or the acquisition of real or personal property, needful for district purposes reasonably requires an immediate expenditure in excess of available funds of the district derived from ordinary taxation, the board may, and on the written request of the commission of the district evidenced by its resolution adopted by the unanimous vote of its members shall, adopt a resolution calling an election within the district upon the issuance of bonds therefor in the name of the county in which the district is located. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election.

Bonds: When
needed

(Added by Stats. 1947, Ch. 1345.)

14495.1. The resolution calling an election shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, and the

Resolution

nature of the proposed structure or improvement or of the property to be acquired.

(Added by Stats. 1947, Ch. 1345.)

Notice of
election

14495.2. Notice of election shall be given by the board at least 30 days prior to the election by publication in at least one newspaper of general circulation circulated within the district. Publication, if in a daily paper, shall be in at least six consecutive issues, and if in a weekly paper shall be in at least two consecutive issues. The board may give such other notice as it sees fit.

(Added by Stats. 1947, Ch. 1345.)

Polling
places, etc.

14495.3. The board shall establish precincts within the district and designate polling places within such district. In all particulars not inconsistent herewith, the general law governing elections shall apply to an election under this article.

(Added by Stats. 1947, Ch. 1345.)

Date of
election

14495.4. The board shall fix the date of election, which may be consolidated with any other special or general election, and shall appoint all necessary officers and provide all necessary facilities for the bond election. The board shall fix the hours during which the polls are to be open.

(Added by Stats. 1947, Ch. 1345.)

Election

14495.5. At the election any qualified and registered elector residing within the district may vote. If at the election a majority of the voters, voting thereat, shall vote in favor of the issuance of the bonds, the board is thereupon authorized to issue the bonds.

(Added by Stats. 1947, Ch. 1345.)

Payment

14495.6. While issued in the name of the county in which the district is located, bonds issued pursuant to this article are not general obligations of the county but are special obligations payable solely out of revenue to be derived from taxation of property within the district for whose account and purposes the bonds are issued. It shall be plainly stated on the face of each bond that said bond is payable only from the revenues derived from taxes levied and collected on property within the district for whose account and purposes the bonds are issued, and that said bonds do not constitute an indebtedness of the county in whose name same are issued.

(Added by Stats. 1947, Ch. 1345.)

Issuance

14495.7. Bonds issued pursuant to this chapter shall be issued as follows:

(a) A part to be determined by the board, which shall be not less than one-thirtieth of the whole amount of the indebtedness, shall be payable annually at a date and place specified.

(b) The date of the first bonds maturing may, at the discretion of the board, be postponed not more than five years from the date of issuance.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the board, but shall not be less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) each.

(e) The bonds shall be signed by the chairman or other presiding officer of the board and by the treasurer of the county in which the district is located. Signatures may be facsimile by use of an engraved or a lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer of the county in which the district is located, in like manner as the bonds.

(Added by Stats. 1947, Ch. 1345.)

14495.8. Such bonds shall be sold by, or on behalf of, the Sale board for not less than the face value thereof.

(Added by Stats. 1947, Ch. 1345.)

14495.9. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon. Signature

(Added by Stats. 1947, Ch. 1345.)

14495.10. The proceeds of sale of all bonds so issued shall be deposited with the treasurer of the county in which the district is located for the account of the district general fund, and shall be withdrawn therefrom only upon the order of the district and only for the carrying out of the purposes for which the bonds were issued. Proceeds

(Added by Stats. 1947, Ch. 1345.)

14496. In determining the amount of bonds to be issued, the legislative body may include: Determination of amount

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

Article 8. Title to Property

14500. The title to all property acquired for a district is vested in the county in which the district is located. Title to property

14501. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the district and declaring such district dissolved; provided, that if the district is not dissolved within one year after the effective date of the inclusion, the district may be dissolved thereafter only pursuant to the provisions of On annexation to city

Article 13 (commencing at Section 14580). Upon the dissolution of the district, the property of the district becomes the property of the city.

(Amended by Stats. 1959, Ch. 1539.)

Transfer
of funds

14502. All money in the county treasury to the credit of the district or of any district fund, shall be transferred to the treasury of the city and shall be used for the purposes for which it was available prior to the transfer and none other.

Outstanding
liabilities

14503. Upon such annexation or inclusion, the city becomes liable for all outstanding liabilities of the district incurred prior to its dissolution; provided, however, that the principal of and interest on any outstanding bonds issued for the account of the district shall continue to be paid from the proceeds of special taxes levied by the board, as provided in Section 14480.2, upon the property in the territory constituting the district at the time of its dissolution.

(Amended by Stats. 1949, Ch. 741.)

On annexa-
tion to two
or more
cities

14504. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district may be dissolved in the manner set forth in Section 14501, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.

(Amended by Stats. 1959, Ch. 1539.)

Outstanding
liabilities

14505. Upon such annexation or inclusion each city becomes liable for its proportion, computed as above, of all the outstanding liabilities of the district incurred prior to its dissolution; provided, however, that the principal of and interest on any outstanding bonds issued for the account of the district shall continue to be paid from the proceeds of special taxes levied by the board, as provided in Section 14480.2, upon the property in the territory constituting the district at the time of its dissolution.

(Amended by Stats. 1949, Ch. 741.)

Sale of
property

14506. Any property or equipment of the district not capable of apportionment may be sold at public auction as in the case of other county property not required for public use and the proceeds of sale shall be apportioned between the respective cities as above provided.

Article 9. Annexation

Determi-
nation

14510. At any time after the establishment of a district the board may determine that territory, whether or not it is contiguous to the district, should be annexed to the district. Any territory so annexed shall include all of the real estate and improvements of the parcel involved.

(Amended by Stats. 1949, Ch. 544.)

14511. The board shall fix a time and place for the hearing of the matter of the annexation and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which the board deems most likely to give notice to the inhabitants of the territory. Notice:
Publication

14512. The notice shall be headed "Notice of the proposed annexation of territory to the ----- County Fire Protection District in ----- County," stating the name of the district and county, and shall contain a statement of the time and place for hearing on the matter. Contents

14513. The notice shall designate the territory proposed to be annexed. Same

14514. At the time and place of hearing, or at any time to which it is continued, the board shall hear any person objecting to the annexation or objecting to the annexation of any portion of the territory. Objections

14515. At the conclusion of the hearing the board may refuse to annex any territory to the established district or it may include all or a portion of the territory proposed to be annexed. If the board determines to annex any territory it shall so declare by resolution and thereupon the territory is annexed to the district for all purposes of this chapter. Refusal
Resolution

14516. Property in territory annexed to the district shall, from and after the date of such annexation, be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on bonds issued for the account of the district outstanding at the time of such annexation. Tax levy

(Added by Stats. 1949, Ch. 741.)

Article 10. Consolidation

14525. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated. Determi-
nation

14525.1. Upon the consolidation of two or more districts, the employees of each district named shall be blanketed into the employment of the consolidated district. The relative standing with respect to seniority and position of all employees blanketed into the employment of the consolidated district shall be determined upon the basis of their position and seniority credits to which each such employee was entitled by virtue of his prior service in the districts. Blanketing
of employees

(Added by Stats. 1949, Ch. 544.)

14526. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts. Notice:
Publication

Contents	14527. The notice shall be headed "Notice of the proposed consolidation of ----- County Fire Protection District and ----- County Fire Protection District," stating the names of the districts proposed to be consolidated and shall contain a statement of the time and place fixed by the board for hearing the matter.
Same	14528. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.
Objections	14529. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.
Refusal or order	14530. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.
Resolution	14531. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.
Assumption of liabilities	14532. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated, including the principal of and interest on any outstanding bonds of any of the districts consolidated. Such principal and interest shall be paid from the proceeds of taxes levied as provided in Section 14480.2 upon the property in the district created by the consolidation. (Added by Stats. 1949, Ch. 741.)

Article 11. Withdrawal Upon Inclusion in City

Inclusion by annexation	14540. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the thirtieth day of June of the fiscal year next succeeding.
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If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1960 whichever is later, it may be withdrawn thereafter only pursuant to provisions of Article 12 (commencing at Section 14560), Chapter 2, Part

3, Division 12 of the Health and Safety Code, or by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing at Section 9480), Division 11 of the Elections Code.

(Amended by Stats. 1951, Ch. 1283, by Stats. 1953, Ch. 1192, by Stats. 1955, Ch. 115, by Stats. 1957, Ch. 797, and by Stats. 1959, Ch. 1539.)

14541. Whenever any portion of a district is included within a city by reason of incorporation, such portion may be withdrawn from the district within one year after the effective date of the incorporation or before January 1, 1958, whichever is later. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn. Inclusion by
incorporation

If the portion of the district included within a city by reason of incorporation is not withdrawn within one year after the effective date of the incorporation or before January 1, 1958, whichever is later it may be withdrawn thereafter only pursuant to the provisions of Article 12, Chapter 2, Part 3, Division 12 of the Health and Safety Code, or by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2, Division 11 of the Elections Code.

(Repealed by Stats. 1951, Ch. 1283; added by Stats. 1957, Ch. 797.)

14542. (Repealed by Stats. 1951, Ch. 1283.)

NOTE: Stats. 1951, Ch. 1283, also contained the following provision :

SEC. 8. Section 4 [which repeals Health and Safety Code Sections 14008, 14541, 14542, 14543, 14544, 14545, 14547, 14810, and 14812] of this act shall not be operative with respect to portions of fire protection district territory included within cities by annexations or incorporations completed prior to the effective date of this act.

14543. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14544. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14545. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14546. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14547. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

14548. No withdrawal of territory becomes final unless and until any contract for furnishing water to the district has expired or has been canceled or modified, with the consent of the parties, so that the district is relieved of the obligation to pay for future water supply within the territory withdrawn. Water
contract

Disposition
of funds
and property

14549. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

Use

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any

period for which the district has the duty to provide fire protection services within the area withdrawn.

(Amended by Stats. 1951, Ch. 860, by Stats. 1953, Ch. 383 and Ch. 1092, by Stats. 1957, Ch. 760, and by Stats. 1959, Ch. 1467.)

14550. Property in territory withdrawn or detached from a district, whether by inclusion within a city, by proceedings taken following inclusion within a city, by proceedings taken upon a petition, or otherwise, shall continue to be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on bonds issued for the account of the district and outstanding at the time of such withdrawal or detachment. Tax levy

(Added by Stats. 1949, Ch. 741.)

14551. (a) When land, upon which there are structural improvements owned, being acquired or leased by a district, is withdrawn from the district and included in a city by incorporation, annexation or otherwise, the city shall, if it succeeds to the rights of the district in such structural improvements, as a part of the division of property provided for in Section 14549, assume the outstanding liability of the district in connection with the acquisition or leasing of such improvements. Assumption of liability

(b) In every case where land, upon which there is a structural improvement owned, being acquired or leased by a district, is proposed to be annexed to a city, the clerk of such city shall cause written notice of such proposed annexation to be mailed to the governing body of such district. Such notice shall be sent not less than 10 days before the first public hearing upon such proposed annexation. Notice of annexation

(Added by Stats. 1951, Ch. 985.)

Article 12. Withdrawal Upon Petition

14560. Any portion of a district which will not be benefited by remaining within the district, may be withdrawn from it. Withdrawal

14561. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district. Petition

14562. The board shall fix a time for hearing the petition and protests to the continuance of the remaining territory as a district. Hearing: Time for

14563. The time of hearing shall be not less than 10 nor more than 30 days after the receipt of the petition. Same

14564. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal. Notice: Publication

- Posting** 14565. The notice shall also be posted in three of the most public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.
- Objections** 14566. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.
- Grant of petition** 14567. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.
- Vesting of property** 14568. Upon the withdrawal of any territory from a district, all property acquired for the district remains vested in the county and shall be used for the purposes of the district.

Article 13. Dissolution

- Dissolution** 14580. Any district may be dissolved by the board.
- Petition** 14581. Fifty or more freeholders and residents of such district, or a majority of such freeholders and residents if there are less than 100 freeholders and residents in the district, may file a petition with the board, requesting the dissolution of the district.
- Notice** 14582. The board shall fix a time for hearing the petition, which shall be not less than 10 nor more than 30 days after the receipt of the petition, and shall at least one week prior to the time so fixed, publish a notice of the hearing by one insertion in a newspaper of general circulation circulated in the district.
- Objections** 14583. At the time appointed for hearing, or at any time to which the hearing may be continued, the board shall hear and pass upon the petition, and any objections which may be made to the granting of the petition.
- Election, etc.** 14584. The board shall consider and pass upon the objections and may either deny the petition for dissolution or, by resolution, call an election upon the proposition of dissolution of the district.
- Resolution: Date of election** 14585. The resolution shall specify the date of the election which shall be held not less than 20 days after the adoption of the resolution.
- Designation of precincts, etc.** 14586. The resolution shall also designate one or more precincts within the boundaries of the district, a polling place in each precinct, and the names of the election officers, who shall be one inspector, one judge, and one clerk, in each precinct.
- Election law** 14587. In all other particulars the election shall be held as provided by law for holding a general election in the county.
- Notice** 14588. No notice of election other than the publication and posting of the resolution need be given.
- Publication and posting** 14589. The resolution ordering the election shall be published once a week for two successive weeks prior to the date

set for the election, in the newspaper of general circulation circulated within the district, and deemed by the board to be most likely to give notice of the election to the electors. The resolution shall also be posted in three of the most public places within the district at least 10 days prior to the date of election.

14590. The ballots used at the election shall state in substance the following proposition: "Shall the ----- County Fire Protection District in ----- County (stating the name of the district and the name of the county in which it is located) be dissolved," and opposite the proposition shall be printed the words "Yes" and "No" with appropriate voting squares. Ballots

14591. If a majority of the votes cast are in favor of the dissolution of the district, the board shall enter a finding to that effect upon its minutes and the district is dissolved. Finding

14592. Upon the dissolution of any district pursuant to this article, the property of the district remains the property of the county in which the district is located and may be used, together with any money remaining in the funds of the district, for general fire protection purposes throughout the county. Vesting of property

14593. Whenever it shall appear that because of withdrawals of territory there remains in any district only territory which will not be benefited by the continued existence of the district either because such remaining territory is uninhabited or because it contains no improvements which need fire protection the board may without notice, hearing or election order the district dissolved forthwith. Dissolution by order of board

(Added by Stats. 1941, Ch. 76.)

14594. In the event that a district is dissolved as a result of an election therein, by order adopted pursuant to Section 14593, or otherwise, the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 14480.2, to pay the principal of and interest on any bonds issued for the account of the district and outstanding at the time of such dissolution; provided, that this section shall not apply in the case of the dissolution of a district by reason of its consolidation with one or more other districts, which case shall be governed by the provisions of Section 14532. Tax levy
Exception

(Added by Stats. 1949, Ch. 741.)

Article 14. Creation of Special Fire Protection Zones

(Article 14 added by Stats. 1949, Ch. 583)

14598. The board of supervisors shall have power by resolution on its own motion to initiate proceedings for creation of a special fire protection zone in the district for purpose of paying for installation of capital improvements such as fire mains, fire plugs, or any other similar improvement which is of sole benefit to the territory in said zone, or for purchase of equipment or employment of personnel over and above the equipment and Resolution

personnel which the district can afford to furnish to said zone out of its general district tax.

(Added by Stats. 1949, Ch. 583.)

Contents

14598.1. Said resolution initiating said proceedings shall describe the boundaries of said special fire protection zone, declaring that public interest and necessity demands its creation and the reasons therefor and therein set a date for public hearing on the question of creation of said zone before the board of supervisors.

(Added by Stats. 1949, Ch. 583.)

Notice

14598.2. Notice of said hearing shall be given by publication of a copy of said resolution in a newspaper of general circulation published and printed in said county, and by posting copies thereof, one in each of at least three public places in said proposed zone, at least thirty (30) days prior to date of hearing.

(Added by Stats. 1949, Ch. 583.)

Objections

14598.3. Any person interested, at or before said hearing, may file with the clerk of the board a written objection to the creation of said zone or to the inclusion of his property in it. At said hearing the board shall hear and determine all protests and objections. At the conclusion of the hearing the board shall decide and determine whether the district shall be formed with the boundaries as described in the original resolution, except

Hearing

that it may revise the proposed boundaries by reducing the size of said district. A copy of the order creating said special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901 and 54902 of the Government Code.

Filing copy
of order

(Added by Stats. 1949, Ch. 583.)

Tax levy

14598.4. On and after the date of creation of said special fire protection zone, subject to the provisions of said Sections 54900, 54901 and 54902 of the Government Code, the board shall have the power and duty to levy on all taxable property in said zone a tax for expenditures for such purposes provided for in the resolution which it determines to be for the sole benefit of said zone.

(Added by Stats. 1949, Ch. 583.)

Abolishment

14598.5. Any special zone so created may be abolished by resolution of the board of supervisors after hearing held in the manner provided for in this article for the original creation of the zone, whenever the board determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1949, Ch. 583.)

CHAPTER 3. FIRE PROTECTION DISTRICTS IN ONE OR MORE COUNTIES

Article 1. General Provisions

Territory
that may be
organized

14600. Contiguous unincorporated territory lying within one or more counties and not included in any other fire pro-

tection district and not including timber land patrolled by the State Board of Forestry or in accordance with its rules and regulations, may be formed into a county fire protection district in the manner provided in this chapter.

14601. "District," as used in this chapter, means a fire protection district formed pursuant to this chapter or pursuant to any law which it supersedes. "District"

14602. "Directors," as used in this chapter, means the board of directors of a district. "Directors"

14603. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933." Exemption from Stats. 1933, p. 2142

(Amended by Stats. 1939, Ch. 222.)

14604. The title to all property which may have been acquired for a district is vested in the district. Title to property

14605. Whenever any district is dissolved all of its property shall be disposed of to the highest bidder, and the proceeds, together with all money in the county treasury to the credit of any fund of the district, shall upon dissolution be applied to the maintenance and repair of the highways in the district. Disposal of property on dissolution

Article 2. Petition and Hearing

14610. Twenty-five percent or more of the holders of title or evidence of title to lands lying in one body and whose names appear as such upon the next preceding county assessment rolls may petition the board of supervisors of the county in which the land or the greater portion of it lies, setting forth the exterior boundaries of the proposed district, and asking that the district so described be formed into a district. Petition

14611. The board of supervisors shall pass a resolution declaring their intention to organize the territory into a district, naming the district and describing its exterior boundaries. Resolution

14612. The resolution shall fix a time and place for hearing not less than 30 days after its adoption and direct the clerk of the board of supervisors to publish the notice of intention to form the district, and of the time and place fixed for hearing, and shall designate some newspaper of general circulation published in the county and circulated in the proposed district, or if there is no newspaper so published and circulated, then in some newspaper of general circulation circulated in the proposed district. Notice

14613. The notice shall be headed "Notice of the proposed formation of ----- County Fire Protection District in ----- County (stating the name of the proposed district and the name of the county or, if there is more than one county, the names of all of the counties)." Heading of notice

14614. The notice shall state the fact that the board of supervisors has fixed the time and place, which shall be stated in the notice, for hearing the matter of the formation of the district. Contents

Same	14615. The notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a district, which boundaries, so far as practicable, shall be the center lines of highways.
Publication	14616. The notice shall be published once a week for two successive weeks prior to the time fixed for hearing in the newspaper designated by the board.
Objections	14617. At or prior to the time fixed for hearing, any person interested may file with the clerk of the board written objections to the formation of the district.
Hearing	14618. At the hearing, or at any time to which it may be adjourned, the board of supervisors shall hear and pass upon the objections filed, if any.
Action on objections and boundaries	14619. The board may sustain any or all of the objections filed and change or alter the boundaries of the proposed district to conform to the needs of the district and to exclude any land that will not be benefited by the formation of the district.
Inclusion of lands	14620. Any owner of lands adjacent to the district may, by written application filed with the board at or before the time of the hearing, in the discretion of the board, have such lands included within the proposed district. Other lands not included in the proposed district by the original petition may not be included in the district.
Hearing	14621. Upon the hearing the board shall determine whether or not the petition complies with the requirements and purposes of this chapter, and shall hear all competent and relevant testimony offered in support or in objection to the petition.
Resolution	14622. The board shall by resolution determine whether or not the proposed district shall be formed and the determination shall be entered upon its minutes.
Divisions	14623. When the boundaries of the proposed district are established by the board, it shall make an order dividing the district into three or five divisions as nearly equal in size as practicable.
Same	14624. The divisions shall be numbered consecutively and constitute election precincts for the district.
Directors	14625. One director, who shall be a resident of the precinct for which he is elected, shall be elected by each precinct, except when requested in the petition, three directors who are residents of the district, shall be elected at large by the district.

Article 3. Election on Organization

Notice of election	14630. If the board determines that a district should be formed it shall give notice of an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed.
Contents	14631. The notice shall designate a name for the proposed district and describe the boundaries of the precincts, when more than one, together with a designation of the polling places and board of election for each precinct.

14632. The notice shall be published once a week for at least three weeks previous to the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the petition for the organization of the district was presented. Publication

14633. The notice shall require the electors to cast ballots which shall contain the words "----- County Fire Protection District—Yes" or "----- County Fire Protection District—No" or their equivalent, and also the names of persons to be voted for to fill the office of director. Ballots

14634. The election shall be conducted as nearly as practicable in accordance with the general laws of the State, but no particular form of ballot is required. Election law

14635. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote either in person or by proxy at any election. Electors

14636. No person shall cast a vote by proxy unless his authority to do so is evidenced by an instrument in writing acknowledged before a notary public and filed with the election board. Proxies

14637. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding general or special session, canvass the votes and if it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district in case lands in more than one county are included, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory organized as a district and shall declare the persons receiving respectively the highest number of votes for directors, to be elected. Canvass of votes

14638. The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for record in the office of the county recorder of the county in which any portion of the lands embraced in each district is situated, and shall immediately forward a copy to the clerk of the board of supervisors of each of those counties. Order

14639. From and after such filings the organization of the district is complete. Filing of order, etc.

14640. No board of supervisors shall, after the date of the organization, allow another fire protection district to be formed which includes any portion of the lands in the district without the consent of the landowner. Completion of organization

Article 4. Government of District

14650. The directors elected shall immediately enter upon their duties. Inclusion within second district

14651. Excepting the members of the first board, they shall hold office for a term of three years from and after their election and until their successors are elected and qualified. Terms

14652. The members of the first board of directors shall at their first meeting so classify themselves by lot that one of their number goes out of office on the second Monday of April First directors

of the year next succeeding the first election; one on the second Monday of April of the second year succeeding; and one on the second Monday of April of the third year succeeding.

Organization 14653. After classification the directors shall organize as a board, elect a president from their number, and appoint a secretary who shall each hold office during the pleasure of the board.

Annual election 14654. After the first election, an election shall be held each year on the last Tuesday in March at which one director shall be elected.

(Amended by Stats. 1957, Ch. 1102.)

Uncontested election 14654.5. If on the fortieth day prior to the day fixed for the general district election it appears that only one person has been nominated for the position of member of the board of directors to be filled at that election and a petition signed by five percent (5%) of the qualified electors in the district, requesting that the general district election in the district be held, has not been presented to the board of directors of the district, an election shall not be held, but the board of supervisors at a regular or special meeting held prior to the day fixed for the election shall appoint to the position the person who has been nominated. If no person has been nominated, the board of supervisors shall appoint any qualified person to the position. The person appointed shall qualify and take office and serve exactly as if elected at a general district election.

Appointment In such instances the publication provided for in Section 14655 shall, instead of calling an election, state that no election is to be held and that the board of supervisors will appoint a member of the board of directors.

(Added by Stats. 1947, Ch. 1206.)

Publication 14655. Notice of the election shall be given by the directors by posting in three public places within the district for at least two weeks before the election and, in a newspaper printed or published in the district by publication in such newspaper, at least twice within 30 and not less than five days prior to the election. If there be more than one such newspaper, the one of most general circulation shall be selected. If there be no newspaper published in the district, then said publication shall be in the county in which the district has the greatest portion, and which is of the most general circulation in said district.

(Amended by Stats. 1945, Ch. 984.)

Notice 14655. Notice of the election shall be given by the directors by posting in three public places within the district for at least two weeks before the election and, in a newspaper printed or published in the district by publication in such newspaper, at least twice within 30 and not less than five days prior to the election. If there be more than one such newspaper, the one of most general circulation shall be selected. If there be no newspaper published in the district, then said publication shall be in the county in which the district has the greatest portion, and which is of the most general circulation in said district.

(Amended by Stats. 1945, Ch. 985.)

Election board 14656. The board of directors shall appoint an election board which shall consist of a judge, an inspector and two clerks.

(Amended by Stats. 1945, Ch. 986.)

Polling places 14657. The board of directors may fix the polling place and hours when polls shall be open. Whenever practicable, the polling places used for school elections shall be designated.

(Amended by Stats. 1945, Ch. 986.)

Election law 14658. The elections shall be conducted in accordance with the provisions of the general election laws except as in this chapter provided to the contrarv. The board of directors shall by

by-law provide the manner of nomination of candidates which shall conform as nearly as practicable to general election laws. The signatures of 10 electors qualified to participate in district elections are required to nominate a candidate for any district office. Names of nominees and candidates shall have been filed with the secretary of the board at least five days prior to the publication of the notice provided for in Section 14655 and such names shall be stated in such notice of holding of election.

(Amended by Stats. 1945, Ch. 987 and by Stats. 1951, Ch. 853.)

14659. The judges of election shall, within 24 hours after the election, make returns and certify the votes, and the names of the persons voted for to the directors. Returns

14660. Within five days after the returns have been received by the directors, they shall count the votes, determine who has been elected, and issue certificates of election to the persons elected. Canvass of votes, etc.

14661. If the office of director is vacated by forfeiture, death, resignation, or from any cause other than expiration of the term, the vacancy shall be filled by appointment by the board of supervisors. Vacancy

(Added by Stats. 1951, Ch. 853.)

Article 5. Powers and Duties of Directors

14680. The directors shall manage and conduct the business and affairs of the district. District management

14681. They shall make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection to it. Rules and regulations

14682. They shall make and execute in the name of the district all necessary contracts, adopt a seal for the district, provide for the payment of all the debts and claims against the district, and employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district. Contracts, etc.

14683. The directors may acquire real or personal property for the purposes of the district, dispose of property when no longer needed, construct needed structures, and acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purposes of the district, whether the property is located within or outside the boundaries of the district. Acquisition of property, etc.

(Amended by Stats. 1955, Ch. 791.)

14684. They shall eliminate and remove fire hazards within the district wherever practicable and possible whether on private or public premises and to that end may clear the public highways and, where permitted, private lands, of dry grass, stubble, brush, rubbish, or other inflammable material, which in their judgment constitutes a fire hazard. Fire hazards

- Necessary acts** 14685. The directors shall perform all other acts necessary, proper and convenient to accomplish the purposes of this chapter.
- Fire ordinances: Nature** 14686. The directors may adopt ordinances to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present are vested with the powers of peace officers.
- Execution, publication, etc.** 14687. An ordinance shall be signed by the directors, and published in a newspaper printed in the district, or posted in three of the most public places of the district, for a period of two weeks, at the end of which time it becomes a law for the government of the inhabitants of the district.
- Violations** 14688. Every person who violates any of the provisions of an ordinance of the directors is guilty of a misdemeanor.
- Prosecutions** 14689. Any judge of the municipal court or justice court of the judicial district, within which the fire protection district is situated, has jurisdiction of prosecutions under this chapter. (Amended by Stats. 1953, Ch. 608.)

Article 6. Finance and Taxation

- Annual estimate** 14700. The directors of each district shall annually on or before the twentieth day of July estimate the amount of money which will be needed to defray the cost of maintenance of the district, and to meet other expenditures authorized in connection with the district.
- Property value** 14701. The directors shall ascertain from the assessor or assessors the assessed value of the assessable property within the district.
- Tax amount** 14702. They shall then determine the amount of the tax sufficient to raise the sum estimated to be necessary.
- Limitation** 14703. The amount of money to be raised for the purpose of establishing and equipping a district with fire-fighting facilities shall not in any one year exceed 1 percent of the assessable property within the district.
- Same** 14704. The amount of money to be raised for the purpose of maintaining a district each year shall not exceed 1 percent of the assessable property within the district. (Amended by Stats. 1953, Ch. 1288.)
- Certification** 14705. When so determined, the amount of the tax shall be certified to the boards of supervisors of the counties in which any portion of the district is located.
- Tax levy** 14706. The boards of supervisors shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all taxable property, real, personal or mixed, in the district.
- Collection** 14707. The tax when levied shall be entered upon the assessment rolls and collected in the same manner as State and county taxes.
- Deposit of money** 14708. When the tax is collected it shall be placed in the treasury of the county in which the greater portion of the

district is located, to the credit of the current expense fund of the district and shall be used only for the purpose for which it was raised.

14709. All accounts, bills and demands against the district shall be audited, allowed and paid by the directors by warrants drawn on the county treasurer. The county treasurer shall pay the warrants in the order in which they are presented.

Payment of
bills, etc.

14710. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of 5 percent a year.

Unpaid
warrants

Interest

(Added by Stats. 1955, Ch. 248.)

Article 6.5. Creation of Special Fire Protection Zones (Article 6.5 added by Stats. 1955, Ch. 1085)

14712. Whenever the board of directors deems it to be for the best interest of the public, it may, by resolution, initiate proceedings for creation of a special fire protection zone in the district for the purpose of paying for installation of capital improvements such as fire mains, fire plugs, or any other similar improvement which is of sole benefit to the territory in said zone, or for purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to said zone out of its general district tax.

Resolution

(Added by Stats. 1955, Ch. 1085.)

14713. Said resolution initiating said proceedings shall describe the boundaries of said special fire protection zone, declaring the public interest and necessity demand its creation and the reasons therefor and therein set a date for public hearing on the question of creation of said zone before the board of directors.

Boundaries,
purpose, etc.

(Added by Stats. 1955, Ch. 1085.)

14714. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6061 of the Government Code within the district and by posting copies of the resolution in at least three public places in the proposed zone, at least thirty (30) days prior to the date of the hearing.

Notice of
hearing

(Added by Stats. 1955, Ch. 1085; amended by Stats. 1957, Ch. 357.)

14715. Any person interested, at or before said hearing, may file with the board of directors a written objection to the creation of said zone or to the inclusion of his property in it. At said hearing the board of directors shall hear and determine all protests and objections. At the conclusion of the hearing the board of directors shall decide and determine whether

Objections

the proposed zone shall be created with the boundaries as described in the original resolution, except that the board of directors may revise the proposed boundaries by reducing the size of the said zone. A copy of the order creating said special zone describing the territory thereof, accompanied by a plat thereof, shall be filed with the agencies designated in and as required by Sections 54900, 54901, and 54902 of the Government Code.

(Added by Stats. 1955, Ch. 1085.)

Tax levy

14716. On and after the date of creation of said special fire protection zone, subject to the provisions of said Sections 54900, 54901, and 54902 of the Government Code, the board of supervisors shall have the power and duty to levy on all taxable property in said zone a tax for expenditures for such purposes provided for in the resolution which the board of directors has certified to the board of supervisors to be for the sole benefit of said zone.

(Added by Stats. 1955, Ch. 1085.)

**Abolishment
of zone**

14717. The board of directors shall have power by resolution to abolish any special zone so created, after hearing held in the manner provided for in this article for the original creation of the zone, whenever the board of directors determines that the public interest and necessity mentioned in the original order of creation no longer exists.

(Added by Stats. 1955, Ch. 1085.)

Article 7. Inclusion of Territory

**Inclusion of
territory**

14720. Territory contiguous to any district and in a county in which some part of the district lies may be included in the district.

Petition

14721. All of the owners in fee of real property in the contiguous territory, as shown by the last equalized assessment roll of the county in which the territory is located, may file a petition with the board of supervisors of each county in which the district is situated.

Contents

14722. The petition shall designate specifically the boundaries of the contiguous territory, state that such territory is not within the fire limits of any other fire district, and ask that the territory be included in the district.

Execution

14723. The petition shall also be signed by the board of directors of the district.

Verification

14724. The petition shall be verified by the affidavit of one of the petitioners.

Notice

14725. A notice stating the time when the petition will be presented to the board of supervisors and that all persons interested may appear and be heard, shall be posted at least two weeks preceding the hearing in three public places in the district.

Hearing

14726. At the hearing the board of supervisors shall hear the petition and any person interested, and may adjourn the hearing from time to time.

14727. Upon the hearing of the petition the board may determine whether or not it is for the best interests of the district and of the contiguous territory that the territory be included in the district. Determination

14728. The board may modify the boundaries of the territory proposed to be included. Boundaries

Article 8. Change of Boundary

14735. The boundaries of a district may be altered and new territory annexed pursuant to this article. Annexation

14736. The directors of any district, upon receiving a written petition for annexation containing a description of territory contiguous to the district and proposed to be annexed, signed by not less than 20 percent of the holders of title or evidence of title to lands within the territory proposed to be annexed, whose names appear as such on the last preceding county assessment roll, shall cause a notice of filing of the petition to be published in the same manner and for the same time as is required as to notices of the proposed formation of a district. Petition
Notice:
Publication

14737. The notice shall state the fact of the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of the petition. Contents

14738. The notice shall notify all persons interested in, or that may be affected by the change of the boundaries of the district, to appear at the offices of the directors, at a time named, and show cause in writing, if any they have, why the proposed change in boundaries should not be made. Same

14739. The time specified in the notice shall be the regular meeting of the board next after the expiration of time for publication of the notice. Time of
hearing

14740. The petitioners shall advance to the directors sufficient money to pay the estimated costs of all proceedings. Costs

14741. The directors, at the time and place mentioned in the notice, or at such other time to which the hearing may be adjourned, shall hear the petition, and all objections presented in writing by holders of title or evidence of title to lands within the district or within the territory proposed to be annexed. Hearing

14742. The directors may require as a condition precedent to the granting of a petition, that the petitioners shall severally pay to the district such respective sums as nearly as the same can be estimated and in the several amounts determined by the directors as the petitioners or their grantors would have been required to pay the district as taxes, had the lands been included in the district at the time it was originally formed. Payments

14743. At the hearing, the directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion. Exclusion
of land

- Election** 14744. If the directors deem it for the best interest of the district that the boundaries of the district be changed as proposed or as such proposal may be altered by the exclusion of lands not benefited, the directors shall submit the question of change in boundaries at the next election to be held in the district and shall call an election to be held at the same time within the territory to be annexed.
- Notice** 14745. Notice of the election shall be given in the same manner as that prescribed for annual elections of directors.
- Ballots** 14746. The ballots cast at the election shall contain the words "For change of boundary" and "Against change of boundary," or their equivalent.
- Description** 14747. The notice of election shall describe the proposed change of boundaries so that it can readily be traced.
- Electors, proxies** 14748. The qualifications for voters are the same as for other district elections and votes by proxy are allowable as in other district elections.
- Canvass of returns** 14749. The returns of the votes cast in the territory proposed to be annexed and in the district shall be canvassed separately and the directors shall cause a record of the canvass to be made and entered in its minutes.
- Finding** 14750. If it appears from the canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the directors shall so find and upon the recording of a copy of its finding certified under seal of the district in the office of the county recorder, the territory is a part of the district.
(Amended by Stats. 1959, Ch. 504.)

Article 8.5. Transfer of Territory From One District to Another District

(Article 8.5 added by Stats. 1955, Ch. 1233)

- Withdrawal** 14751. Any portion of a district which will be benefited by its exclusion from one district and annexation to another district may be withdrawn from the district and annexed to another district pursuant to this article.
(Added by Stats. 1955, Ch. 1233.)
- Petition** 14752. Upon receipt of a petition signed by a majority of the members of the board of directors of each of the districts affected requesting the transfer of territory from one district and its annexation to another district on the ground that such territory will be benefited by the withdrawal from the first district and by its annexation to the second district and specifically describing the boundaries of the territory proposed to be withdrawn, the board of supervisors which formed the district from which the territory is proposed to be withdrawn shall fix a time for hearing the petition.
(Added by Stats. 1955, Ch. 1233.)

14753. The time for hearing shall be not less than 10 days Hearing
nor more than 30 days after the filing of the petition with the
board of supervisors.

(Added by Stats. 1955, Ch. 1233.)

14754. The board of supervisors shall, at least one week Notice:
Publication
prior to the time so fixed for hearing, publish a notice of the
hearing pursuant to Section 6061 of the Government Code in
a newspaper of general circulation published in the districts
affected, or if there is no newspaper published in such districts,
in a newspaper of general circulation published in the county
in which the districts are located, and which the board of
supervisors deems most likely to give notice to the landowners
in the districts of the proposed withdrawal and annexation.

(Added by Stats. 1955, Ch. 1233; amended by Stats. 1957,
Ch. 357.)

14755. The notice shall also be posted in three public Posting
places within each of the districts, and also in three public
places within the territory proposed to be withdrawn, at least
one week prior to the time fixed for the hearing.

(Added by Stats. 1955, Ch. 1233.)

14756. The notice shall also be mailed by registered mail, Mailing
at least one week prior to the time fixed for hearing, to all of
the holders of title or evidence of title to lands lying within
the territory proposed to be withdrawn as shown on the last
equalized assessment roll of the county.

(Added by Stats. 1955, Ch. 1233.)

14757. Any person interested may appear at the hearing Protests
and object to the proposed withdrawal and annexation.

(Added by Stats. 1955, Ch. 1233.)

14758. The board of supervisors shall not modify the Boundaries
boundaries of the territory proposed to be withdrawn as set
forth in the petition in such a manner as to include therein
any land that would be benefited by remaining in the district
from which the territory is proposed to be withdrawn, nor
shall the board exclude therefrom any land that would be
benefited by withdrawal from such district.

(Added by Stats. 1955, Ch. 1233.)

14758.5. At the time specified for the hearing, the board Board
recommenda-
tions
of supervisors shall hear the petition, and shall receive recom-
mendations from the board of directors of the district from
which the territory is proposed to be withdrawn regarding
the payment of any outstanding indebtedness of such district
and in equitable division between the portion proposed to be
withdrawn and the remaining territory, of the real and per-
sonal property of such district, including any cash on hand
and any uncollected taxes for the current fiscal year. The
board of directors of such district shall also report to the
board of supervisors on the location of all property owned
by such district, the type and value of the personal property
to be divided, and the fire protection needs of the districts

affected. The board may adjourn the hearing from time to time.

(Added by Stats. 1955, Ch. 1233.)

Order 14759. Upon the final hearing of the petition, the board of supervisors shall either deny or grant the petition as originally presented, or in a modified form. If the board of supervisors grants the petition, it shall make an order describing the exterior boundaries of the territory proposed to be withdrawn and annexed to the other district and make the order of annexation. The order shall also specify the arrangement of the indebtedness of the district from which the territory is withdrawn and make an equitable division of the property of such district.

(Added by Stats. 1955, Ch. 1233.)

Article 8.6. Change of Name

(Article 8.6 added by Stats. 1955, Ch. 1086)

Authority 14759.1. A district may change its name, by action of the board of supervisors of the county in which the land or the greater portion of it lies, as provided by this article.

(Added by Stats. 1955, Ch. 1086.)

Resolution 14759.2. Whenever, after the organization of a district pursuant to the provisions of this chapter, in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, the board of directors may pass a resolution reciting that fact.

(Added by Stats. 1955, Ch. 1086.)

Transmittal 14759.3. A copy of the resolution shall be forwarded to the board of supervisors of the county in which the land or the greater portion of it lies with the request that the name of the district be changed to the stated name.

(Added by Stats. 1955, Ch. 1086.)

Consideration 14759.4. The board of supervisors shall designate a day on which it will consider the request, which day shall not be less than 10 days nor more than 40 days after the receipt of the petition, and the board of supervisors may either grant or deny the request.

(Added by Stats. 1955, Ch. 1086.)

Notice of hearing 14759.5. The clerk of the board of supervisors shall give notice by sending by registered mail to each of the directors of the district a notice of the time for the hearing of the request. Notices shall be mailed at least 10 days before the day set for the hearing.

The clerk shall also cause the notice of the time of the hearing of the resolution to be published pursuant to Section 6061 of the Government Code not less than 10 days before the hearing in a newspaper of general circulation within the district and printed and published within the county in which the land of the district or the greater portion of it lies.

(Added by Stats. 1955, Ch. 1086; amended by Stats. 1957, Ch. 357.)

14759.6. If the board of supervisors denies the request, the clerk of the board of supervisors shall notify the board of directors of the denial. Denial

(Added by Stats. 1955, Ch. 1086.)

14759.7. If the board of supervisors grants the request, the board of supervisors shall enter an order changing the name of the district to the stated name. The clerk shall, within 10 days after adoption of the order, file a certified copy of the order with the board of directors, the county assessor, and the State Board of Equalization. The clerk shall also cause to be recorded, in the office of the county recorder of the county in which the land of the district or the greater portion of the land lies, a certified copy of the order. Order
Recording

(Added by Stats. 1955, Ch. 1086.)

14759.8. From and after the filing of the certified copy with the State Board of Equalization the new name shall be the official name of the district. Effective date
of change

(Added by Stats. 1955, Ch. 1086.)

Article 9. Dissolution

14760. Pursuant to this article, a district may be dissolved by the board of supervisors which formed it. Dissolution

14761. Twenty-five per cent of the owners of land within the district may file a petition for dissolution with the board of supervisors, requesting the dissolution of the district. Petition

14762. The board of supervisors shall by resolution call an election which shall be called, noticed and conducted in all respects in a manner similar to that provided for with reference to the formation of a district. Election

14763. If it appears that a majority of the owners of land voting at the election have voted in favor of dissolution, the directors shall cause such facts to be entered upon their minutes and shall forward copies of the entry to the boards of supervisors of the counties in which the district is situated. Favorable
vote: Entry
and filing

14764. The directors shall also record a copy of the entry with the county recorders of those counties. Record of
entry

14765. On and after the filing and recording, the district is dissolved. Effect

14766. If at the time of dissolution there are any outstanding or bonded indebtednesses, taxes for their payment shall be levied and collected the same as if the district had not been dissolved and disincorporated. Outstanding
debts

Article 10. Withdrawal to Form New District

(Article 10 added by Stats. 1953, Ch. 1116)

14775. Any portion of a district which will be benefited by withdrawal from the district may be withdrawn pursuant to this article for the purpose of forming a new fire protection district. Withdrawal

(Added by Stats. 1953, Ch. 1116.)

Petition

14776. Twenty-five percent or more of the holders of title or evidence of title to lands within the entire district may file a petition with the board of supervisors requesting that certain territory of the district be withdrawn from the district on the ground that said territory will be benefited by withdrawal from the district. The petition shall designate specifically the boundaries of the territory proposed to be withdrawn, and shall be verified by the affidavit of one of the petitioners. The petition shall be accompanied by a surety company bond in the sum of not less than five hundred dollars (\$500) to be approved by the board of supervisors and filed with the county clerk as security for the payment by the petitioners of the reasonable costs of the election on withdrawal, in the event that at the election less than a majority of the votes cast are in favor of withdrawal.

(Added by Stats. 1953, Ch. 1116.)

Time for hearing

14777. The board of supervisors shall fix a time for hearing the petition. The time for hearing shall not be less than 10 nor more than 30 days after the filing of the petition.

(Added by Stats. 1953, Ch. 1116.)

Notice:
Publication

14778. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of the hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the proposed withdrawal to the landowners in the district.

(Added by Stats. 1953, Ch. 1116; amended by Stats. 1957, Ch. 357.)

Same:
Posting

14779. The notice shall also be posted in three of the most public places within the district, one of which places shall be within the territory proposed to be withdrawn, at least one week prior to the time fixed for hearing.

(Added by Stats. 1953, Ch. 1116.)

Objections

14780. Any person interested may appear at the hearing and object to the withdrawal.

(Added by Stats. 1953, Ch. 1116.)

Boundary
modification

14781. The board of supervisors shall not modify the boundaries of the territory proposed to be withdrawn as set forth in the petition in such a manner as to include therein any land that would be benefited by remaining in the district, nor shall the board exclude therefrom any land that would be benefited by withdrawal from the district.

(Added by Stats. 1953, Ch. 1116.)

Hearing

14782. At the time specified for the hearing, the board of supervisors shall hear the petition, and shall receive recommendations from the board of directors of the district concerning the payment of any indebtedness of the district and an equitable division of the real and personal property of the

district, including cash on hand and any uncollected taxes for the current fiscal year, between the portion proposed to be withdrawn and the remaining territory of the district. In determining such equitable division, the board of supervisors shall take into consideration the assessed value of the real property in the territory sought to be withdrawn and that in the remaining territory, the fire protection needs of each, the location of all real property owned by the district and the type and value of personal property to be divided. The board may adjourn the hearing from time to time.

(Added by Stats. 1953, Ch. 1116.)

14783. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be withdrawn, dividing the territory into three or five divisions as nearly equal in size as practicable, specifying the arrangement for payment of any indebtedness of the district as well as an equitable division of the property of the district, and ordering that an election be held for the purpose of determining whether or not the territory shall be withdrawn from the district and a separate county fire protection district of the type provided in this chapter formed in the territory so withdrawn.

Order:
Contents

(Added by Stats. 1953, Ch. 1116.)

14784. The order shall fix the day of election, which shall be within 60 days from the date of the order and shall provide that notice of said election be given as provided in Sections 14785 and 14786 of this code.

Date of
election

(Added by Stats. 1953, Ch. 1116.)

14785. The notice of election shall contain:

Notice of
election

(a) The election precincts, if any, established for the election and the time and place or places of holding the election.

(b) The names of the officers of the election appointed to conduct the election.

(c) The hours of the day during which the polls will be open.

(d) The description of the boundaries of the territory proposed to be withdrawn from the district and to be formed into a separate county fire protection district.

(e) The division of the territory proposed to be withdrawn into three or five divisions as nearly equal in size as practicable.

(f) The names of persons to be voted for to fill the offices of director of the proposed new county fire protection district.

(Added by Stats. 1953, Ch. 1116.)

14786. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date of the election in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which

Same:
Publication

the district is located, and which the board of supervisors deems most likely to give notice of the election to the landowners in the district.

(Added by Stats. 1953, Ch. 1116; amended by Stats. 1957, Ch. 357.)

Ballot form

14787. Ballots used shall state in substance the following proposition:

“Shall the territory proposed to be withdrawn from the ----- County Fire Protection District be withdrawn?”

and opposite the proposition as so stated shall be printed the words “yes” and “no” together with voting squares. The ballots used by the owners of land lying within the territory proposed to be withdrawn from the district and formed into a separate county fire protection district, shall also state in substance, as a second proposition:

“Shall the territory proposed to be withdrawn from the ----- County Fire Protection District be formed to constitute the ----- County Fire Protection District?”

and opposite the second proposition as so stated shall be printed the words “yes” and “no” together with voting squares, and beneath such second proposition shall be set forth the names of persons to be voted to fill the offices of director of the proposed new district.

(Added by Stats. 1953, Ch. 1116.)

Conduct of election

14788. The election shall be conducted as nearly as practicable in accordance with the general laws of the State.

(Added by Stats. 1953, Ch. 1116.)

Qualified voters

14789. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote in said election.

(Added by Stats. 1953, Ch. 1116.)

Canvass

14790. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding regular or special session, canvass the votes, and if it appears that a majority of all of the votes cast in the district are in favor of the withdrawal, and that a majority of the votes cast by landowners in the territory to be withdrawn are in favor of the formation of a separate county fire protection district in said territory, the board of supervisors shall:

(1) Order the withdrawal of such territory,

(2) Define the new boundaries of the existing district,

(3) Divide the existing district into three or five divisions as nearly equal in size as practicable,

(4) Make any necessary appointments to fill vacancies created in the board of directors of the existing district by reason of any member or members, as a result of the withdrawal, no longer being resident in the district or the division he or they formerly represented,

(5) Declare the territory withdrawn to be organized as a county fire protection district and define the boundaries thereof,

(6) Divide the new district into three or five divisions as nearly equal in size as practicable and in accordance with the provisions of the notice of election,

(7) Declare the persons receiving respectively the highest number of votes for directors to be elected directors of the newly organized district, and

(8) Order the real and personal property of the existing district to be divided between the newly formed district and the remaining portion of the existing district in accordance with the division theretofore determined by the board of supervisors.

(Added by Stats. 1953, Ch. 1116.)

14791. All expenses incurred by the board of supervisors in connection with the hearings and elections provided for in this chapter shall be a charge against the district, including the territory to be withdrawn should the election result in such withdrawal. Expenses

(Added by Stats. 1953, Ch. 1116.)

CHAPTER 4. DISSOLUTION OR EXCLUSION WHEN AREA IS INCORPORATED

Article 1. Dissolution

14800. A district comprising territory which is wholly within, or identical with the corporate limits of a city, which has been incorporated after the district was organized and established, may be dissolved. Dissolution

14801. Inhabitants of the district, whose names appear upon the last preceding assessment roll of the county or city within which the district is located, owning or representing more than one-half in value of the assessed real property of the district, or owning or representing more than one-half in value of the assessed real property in the district owned by its residents, may file a verified petition with the board of supervisors requesting the dissolution of the district. Petition

14802. The board of supervisors may, by a resolution adopted and entered in its minutes, discontinue the district, and declare it to be disincorporated. Declaration

14803. Upon such action being taken by the board of supervisors, the board of fire commissioners of the district, shall turn over to any fire department organized by the governing body of the city, or to the governing body itself, all the property of the district. Disposition of property

14804. The city shall pay all the debts of the district and thereupon the district is discontinued and disincorporated. Payment of debts

Article 2. Change of Boundaries

14810. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

Petition

14811. Persons Entitled to File Petition. Property owners of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city may be excluded from the district.

(Amended by Stats. 1951, Ch. 1283.)

14812. (Repealed by Stats. 1951, Ch. 1283. See note following Section 14542.)

Withdrawal
of annexed,
etc., terri-
tory

14813. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

(Added by Stats. 1951, Ch. 1283; amended by Stats. 1953, Ch. 1192, and by Stats. 1955, Ch. 115.)

Division of
property
and funds

14814. Upon the withdrawal of any territory of a district, all property acquired for the district and all unencumbered funds on the date of withdrawal, including all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

(Added by Stats. 1951, Ch. 1283; amended by Stats. 1953, Ch. 1092.)

Article 3. Recordation

Recordation
of resolution

14815. A certified copy of any resolution of a board of supervisors, discontinuing a district, excluding a portion of its territory, or changing its boundaries, after being adopted, and signed by the chairman and the clerk of the board and certified to by the clerk of the board under its seal, shall, within 10 days after adoption, be recorded by the clerk of the board in the office of the county recorder of the county in which the fire district is located.

(Amended by Stats. 1959, Ch. 504.)

14816. The recorder shall record the resolution, but shall ^{Fees} not make any charge or collect any fees for filing or recording it.

CHAPTER 5. ANNEXATION TO FIRE DISTRICTS

(Chapter 5 added by Stats. 1957, Ch. 1339)

Article 1. Annexation to Districts Serving Cities

(Article 1 added by Stats. 1957, Ch. 1339)

14820. Territory annexed to a city, or included within a ^{Territory} city by the incorporation of the city after January 1, 1955, ^{annexed} if such city is included within and served by a district or- ^{to city} ganized pursuant to this part may be annexed to the district serving such city by the adoption of a resolution by the legis- lative body of the city declaring such territory annexed to the district. Territory within a fire protection district may not be annexed pursuant to this section. The resolution an- nexing territory to a fire protection district pursuant to this section shall be effective upon the filing of copies thereof with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor. A city included in and served by more than one fire protection district shall designate in the resolution of annexa- tion the district to which the territory is annexed.

(Added by Stats. 1957, Ch. 1339; amended by Stats. 1959, Ch. 1039.)

NOTE: Stats. 1957, Ch. 1339, also contained the following provisions:

SEC. 2. This act shall be operative with respect to city annexations completed by filing of ordinances with the Secretary of State on and after October 1, 1957.

PART 4. FIRE COMPANIES IN UNINCORPORATED TOWNS

CHAPTER 1. ORGANIZATION

14825. Fire companies in unincorporated towns may be ^{Certificate:} organized by recording with the county recorder a certificate ^{Recording} signed by the foreman or presiding officer and by the secretary.

(Amended by Stats. 1959, Ch. 504.)

14826. The certificate shall set forth the following matters: ^{Contents}

(a) The date of organization.

(b) The name of the company.

(c) The names of the officers.

(d) The roll of active and honorary members.

14827. The certificate shall be renewed and re-recorded ^{Renewal} every six months.

(Amended by Stats. 1959, Ch. 504.)

14828. There shall not be in any one unincorporated town ^{Number} more than one company for each 1,000 inhabitants, but one company may be allowed in any town where the population is less than 1,000.

- Members** 14829. An engine company may consist of not more than 65 certificate members; a hook-and-ladder company of not more than 65 certificate members; and a hose company of not more than 25 certificate members.
- Foreman** 14830. Every fire company shall choose or elect a foreman, who is the presiding officer, and a secretary and treasurer.

CHAPTER 2. POWERS AND DUTIES

- Regulations, penalties** 14835. Every fire company may establish and adopt by-laws and regulations, and impose penalties, not exceeding five dollars (\$5) or expulsion for each offense.
- Seal** 14836. Every fire company regularly organized may adopt a seal, having upon it the arms of the State, and the name of the company to which it belongs.
- Control and use of seal** 14837. The seal shall be under the control of and for the use of the secretary, and be by him affixed to exempt certificates, certificates of active membership, and such other documents as the by-laws provide.
- Secretary: Oath and bond** 14838. The secretary of every company having a seal shall take the constitutional oath of office and give such bond as the by-laws provide for the faithful performance of his duties.
- Certificates: Records** 14839. The secretary shall keep a record of all certificates of exemption or active membership, their date, and to whom issued; and when the company has no seal, the clerk shall keep similar entries of certificates issued to obtain county clerk's certificates.
- Certificate as evidence** 14840. Every certificate is prima facie evidence of the facts stated in it.
- Chief: Fire record** 14841. The chief of every fire company shall inquire into the cause and keep a record of every fire occurring in the town.
- Enforcement of ordinances** 14842. He shall aid in the enforcement of all fire ordinances, examine buildings in process of erection, report violations of ordinances relating to prevention or extinguishment of fires, and when directed by the proper authorities institute prosecutions therefor.
- Other duties** 14843. He shall perform such other duties as may be by proper authority imposed upon him.
- Attendance at fires** 14844. Every chief shall attend all fires with his badge of office conspicuously displayed.
- Protection of property** 14845. He shall prevent injury to, take charge of, and preserve all property rescued from fires, and return the property to its owner on the payment of the expenses incurred in saving and keeping it.

CHAPTER 3. EXEMPTIONS

- Privileges and exemptions** 14855. The officers and members of unpaid fire companies regularly organized, and exempt firemen, are entitled to the following privileges and exemptions:
- (a) Exemption from payment of poll tax, road tax, and head tax of every description.

(b) Exemption from jury duty.

(c) Exemption from military duty, except in case of war, invasion, or insurrection.

14856. Every fireman who has served five years in an organized fire company in this State is an "exempt fireman," and shall receive from the chief of the company to which he belonged a certificate to that effect.

14857. Every active fireman shall have a certificate of that fact signed by the chief of the company to which he belongs.

14858. The certificates shall be countersigned by the secretary, and over the seal of the company, if one is provided.

14859. Certificates of exemption may be issued by the clerk of the county over his official seal and signature and shall entitle the holder to exemption as an exempt fireman.

14860. Every officer of a fire company who wilfully issues or causes to be issued any certificate of exemption to a person not entitled to it, is guilty of a misdemeanor.

PART 5. ABATEMENT OF HAZARDOUS WEEDS

CHAPTER 1. GENERAL PROVISIONS

14875. "Weeds," as used in this part, means all weeds growing upon streets, sidewalks, or private property in any county, including any fire protection district and includes any of the following:

- (a) Weeds which bear seeds of a downy or wingy nature.
- (b) Weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- (c) Weeds which are otherwise noxious or dangerous.
- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

14876. Weeds may be declared a public nuisance and may be abated as provided in this part.

CHAPTER 2. RESOLUTION

14880. Whenever weeds are growing upon any street, sidewalk, or on private property in any county, the board of supervisors, by resolution, may declare the weeds a public nuisance.

14881. The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located.

14882. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads.

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing

the property by reference to the tract, block, lot, code area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes. No other description is necessary.

(Amended by Stats. 1959, Ch. 1534.)

Same

14884. Any number of streets, highways, roads, or parcels of private property may be included in one resolution.

CHAPTER 3. NOTICE TO DESTROY WEEDS

Article 1. Persons Authorized to Give Notice

Notice:
Giving

14890. The board of supervisors shall designate the person to give notice to destroy weeds. This may be any one of the following:

- (a) The county agricultural commissioner.
- (b) The county forester.
- (c) The county board of forestry.
- (d) Any other officer, board, or commission.

Article 2. Contents of Notice

Heading

14891. The notices shall be headed "Notice to destroy weeds," in words not less than one inch in height.

Form

14892. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS

Notice is hereby given that on the ----- day of -----, 19--., the board of supervisors of-----County passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to -----Street (or Road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

Dated this ----- day of -----, 19--.

-----,
(Title of officer, board or commission causing notices to be posted.)

Article 3. Posting and Publishing Notice (Heading amended by Stats. 1959, Ch. 60)

14893. The notices shall be conspicuously posted in front Posting
of the property on which or in front of which the nuisance
exists, or if the property has no frontage upon any street,
highway or road then upon the portion of the property
nearest to a street, highway or road, or most likely to give
actual notice to the owner.

14894. The notices shall be posted not more than 100 feet Same
in distance apart, but at least one notice shall be posted on
each lot or parcel.

14895. Notice of the hearing prescribed in Section 14892 Publishing
shall be published once in a newspaper of general circulation
printed and published in the county, not less than 10 days
prior to the date of the hearing.

(Repealed by Stats. 1957, Ch. 423; added by Stats. 1959, Ch.
60.)

14896. (Repealed by Stats. 1957, Ch. 423.)

14897. (Repealed by Stats. 1959, Ch. 60.)

Article 4. Hearing on Notice

14898. At the time stated in the notices, the board of Hearing
supervisors shall hear and consider all objections or protests,
if any, to the proposed removal of weeds, and may continue
the hearing from time to time.

14899. Upon the conclusion of the hearing the board shall Decision
allow or overrule any or all objections, whereupon the board
shall acquire jurisdiction to proceed and perform the work
of removal, and the decision of the board on the matter is final,
except as provided in Sections 14920 and 14921 of this code.

(Amended by Stats. 1941, Ch. 69.)

Article 5. Proceedings After Hearing on Notice

14900. After final action is taken by the board on the dis- Abatement
position of any protests or objections or in case no protests or
objections are received, the board shall order the officer, board
or commission causing the notices to be posted to abate the
nuisance, or to cause it to be abated by having the weeds
removed.

14900.5. If the nuisance is seasonal and recurrent, the Seasonal and
recurrent
nuisance
board of supervisors shall so declare. Thereafter, such sea-
sonal and recurring weeds shall be abated every year without
the necessity of any further hearing.

(Added by Stats. 1939, Ch. 1018.)

14900.6. In the case of weeds which have previously been Notice of
seasonal and
recurrent
nuisance
declared to constitute a seasonal and recurring nuisance, it is
sufficient to mail a post-card notice to the owners of the prop-
erty as they and their addresses appear upon the current
assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

(Added by Stats. 1939, Ch. 1018.)

Entry upon
property

14901. The officer, board or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds.

Removal by
property
owner

14902. Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer, board or commission, or his or its representatives to do it.

CHAPTER 4. EXPENSE OF ABATEMENT

Article 1. Determination and Notice

Report
of cost

14905. The officer, board or commission abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing to the board of supervisors showing the cost of removing the weeds on or in front of each separate lot or parcel of land, or both.

Posting

14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

(Amended by Stats. 1957, Ch. 423, and by Stats. 1959, Ch. 60.)

14907. (Repealed by Stats. 1957, Ch. 423.)

Article 2. Hearing on Report

Hearing

14910. At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

Confirma-
tion

14911. Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

Assessment
and lien

14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments.

Article 3. Collection of Expenses

14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. Entry of
assessment

(Amended by Stats. 1939, Ch. 354.)

14916. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land. Tax bill

14917. Thereafter the amounts of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. Collection

14918. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes. Laws
applicable

14919. The county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments. Separate
bills

14920. All or any portion of any such special assessment, penalty or costs heretofore or hereafter entered, shall on order of the board of supervisors be canceled by the auditor if uncollected, or, except in the case provided for in subdivision (e) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid: Cancellation

(a) More than once;

(b) Through clerical error;

(c) Through the error or mistake of the board of supervisors or of the officer, board or commission designated by them to give notice or to destroy the weeds, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the county abated the weeds but such is not the actual fact;

(d) Illegally;

(e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

(Added by Stats. 1941, Ch. 69.)

14921. No order for a refund under the foregoing section shall be made except on a claim: Claim
required

(a) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(b) Filed within three years after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

(Added by Stats. 1941, Ch. 69.)

DIVISION 13. HOUSING

PART 1. STATE HOUSING ACT

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

"State Housing Act"

Application of provisions

15000. This part is known as the "State Housing Act." No provision of this part shall apply to any building regulated by Part 2 of this division.

(Amended by Stats. 1951, Ch. 1127.)

NOTE: Stats. 1951, Ch. 1127 also contained the following provision:

SEC. 41. No provision of this act shall be construed to require a structural addition, structural alteration or a structural change in or on an existing building or the replacement of an existing appliance which requires a structural addition, structural alteration or a structural change in or on an existing building where such is not required by law prior to the effective date of this act.

Definitions

15001. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part.

"Apartment"

15002. "Apartment" means a room or suite of rooms in an apartment house or dwelling occupied, or intended or designed for occupation, by one family for living or sleeping purposes. (Amended by Stats. 1939, Ch. 477.)

"Apartment house"

15003. "Apartment house" means any structure more than one story in height, or any portion of any such structure occupied, or designed, built, or rented for occupation, as a home by three or more families, each living in a separate apartment and cooking within the structure.

"Approved"

15004. "Approved," when used in connection with any material, type of construction, or appliance, means meeting the approval of the enforcement agency, as the result of investigation and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

"Approved agency"

15004.2. "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, and approved by the enforcement agency.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

"Basement"

15005. "Basement" means any portion of a building partially below the levels of the actual adjoining ground, with a ceiling no part of which is less than seven feet above such levels.

"Building"

15006. "Building" means an apartment house, hotel, or dwelling, either singly or in combination.

15007. "Building department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of buildings or structures within the city or county. "Building department"

15008. "Cellar" means any portion of a building with a ceiling any part of which is less than seven feet above the actual adjoining ground levels. "Cellar"

15009. "City" means an incorporated city or incorporated city and county. "City"

15010. "Court" means any space on a lot, other than a yard, which, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for projections permitted by this part. "Court"

"Outer court" means a court one entire side or end of which is bounded by a front yard, a rear yard, a side yard, a front of lot, a street, or a public alley. "Outer court"

"Inner court" means any court which is not an "outer court." "Inner court"

15011. "Curb level" means the curb level opposite the center of a front of lot, or, if a curb level has not been established, the average ground level at a front of lot. "Curb level"

15012. "Dead load" means the weight of a building's walls, partitions, framing, floors, roofs, and similar permanent construction. "Dead load"

"Live load" means all other forms of loading in a building, including the assigned live loads for floors and roofs. "Live load"

15013. "Dormitory" means a room occupied by more than two guests. "Dormitory"

15014. "Dwelling" means any structure, or any portion of a structure, other than an apartment house or hotel, containing one or more apartments or guest rooms. "Dwelling"

15015. "Enforcement agency" means the building department, the housing department, or the Department of Industrial Relations, as the case may be. "Enforcement agency"

15016. "Family" means one person living alone, or a group of two or more persons, whether or not related to each other by birth, living together, in an apartment. "Family"

15016.8. "Fire-resistive construction" or "protection" means meeting the requirements of Sections 15004, 15004.2 or Sections 15159 or 15160 or meeting the respective requirements for rating of "four-hour," "three-hour," "two-hour" or "one-hour" fire-resistive construction or protection as specified in "Standard Specifications for Fire Tests of Building Construc-
"Fire-resistive construction" or "protection"

tion and Materials" (C19-41) as published by the American Society for Testing Materials.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

"Fireproof building" 15017. "Fireproof building" means a building constructed of the materials required by this part in fireproof buildings.

"Guest" 15018. "Guest" means any person who rents or occupies a room for sleeping purposes.

"Guest room" 15019. "Guest room" means a room occupied, or intended, arranged, or designed for occupation, by one or more guests. Every 100 square feet of superficial floor area in a dormitory is a guest room.

"Hotel" 15020. "Hotel" means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.

"Housing department" 15021. "Housing department" means the officer, department, or agency of a city or county charged with the enforcement of the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings within the city or county.

"Kitchen" 15022. "Kitchen" means any room used, or intended or designed to be used, for cooking and preparing food.

"Lot" 15023. "Lot" means a parcel or area of land on which is situated a building, together with the yards, courts, and unoccupied spaces required by this part for the building, and which is owned by, or is in the lawful possession of, the owner of the building.

"Corner lot" "Corner lot" means a lot situated at the junction of two or more intersecting streets, with a boundary line bordering on each of the streets. The owner of such lot or his authorized agent may designate either street frontage as the front of lot for the purpose of determining its width.

"Interior lot" "Interior lot" means a lot which is not a corner lot. All parts of the width of a corner lot which are more than 75 feet distant from the junction point of the intersecting streets comprise an interior lot.

"Front of lot" "Front of lot" means the boundary line of a lot bordering on a street. In the case of a corner lot, either street frontage may be the front of lot.

"Rear of lot" "Rear of lot" means the boundary line opposite the front of lot.

"Depth of lot" "Depth of lot" means the mean distance from the front of lot to the rear of lot.

15024. "Nuisance" includes:

"Nuisance"

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) Overcrowding a room with occupants.

(d) Insufficient ventilation or illumination.

(e) Inadequate or insanitary sewerage or plumbing facilities.

(f) Uncleanliness.

(g) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

15025. "Occupied space" means all the space covered by a building, including that covered by the building's outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding 32 square feet in area, and cornices which project farther into a court or yard than is permitted by this part.

"Occupied space"

For the purpose of determining occupied space, the area of a building shall be measured at its lowest story or portion thereof used for living or sleeping purposes.

15026. "Plasterboard" means any type of wall board used as a base for plastering.

"Plasterboard"

15027. "Public hallway" means a hallway, corridor, passageway, vestibule, stairway, landing, or platform in an apartment house or hotel; but not within an apartment, if in an apartment house, or within a suite of rooms, if in an hotel.

"Public hallway"

15028. "Semifireproof building" means a building constructed of the materials required by this part in semifireproof buildings.

"Semifireproof building"

15029. "Shaft" means any shaft used for air, light, or ventilation, or for an elevator or dumb-waiter.

"Shaft"

A vent shaft is one used solely to ventilate or light a water-closet compartment or bath room.

15030. "Street" means any street, alley, thoroughfare, or park not less than 16 feet in width, measured from the front of lot to the opposite front of lot, which has been dedicated or deeded to the public for public use.

"Street"

15031. "Superficial floor area" means all floor area exclusive of that occupied by built-in dressers, clothes presses, or similar fixtures which are built into and are a substantial part of a building, and are not readily removable.

"Superficial floor area"

15031.5. "Washing machine room" means a structure used exclusively by the occupants of an apartment house or hotel in which appliances or facilities are installed to wash and dry clothing.

"Washing machine room"

(Added by Stats. 1955, Ch. 442.)

15032. "Window" includes any French door or window.

"Window"

"Wooden building"

15033. "Wooden building" means a building which does not fully comply with the provisions of this part pertaining to materials required in the construction of either a fireproof or a semifireproof building.

"Yard"

15034. "Yard" means any space on a lot other than a court, which is open and unobstructed from the ground to the sky, except for projections permitted by this part.

"Front yard"

"Front yard" means a yard between the front line of a building and the front boundary line of the lot on which the building is situated.

"Rear yard"

"Rear yard" means a yard between the extreme rear line of a building and the rear of the lot on which the building is situated.

"Side yard"

"Side yard" means a yard which extends from a rear yard to a front yard or front of lot.

"Building unfit for human habitation or occupancy"

15035. "Building unfit for human habitation or occupancy" means any building or buildings used for human habitation, or designed or intended for such use, which are dangerous to human life or detrimental to health, through lack either of maintenance, or repair generally, or through improper sanitary facilities, and include, but are not limited to, buildings in which exist one or more of the following conditions:

(a) The exterior walls, doors, windows, floors or roof are so deteriorated, broken or damaged as not to exclude rain or wind and by reason of such condition are dangerous to human life or detrimental to health;

(b) The foundations or supporting walls are deteriorated or damaged to the extent that walls list or lean and by reason of such condition are dangerous to human life or detrimental to health.

(Added by Stats. 1941, Ch. 807.)

CHAPTER 2. APPLICATION AND SCOPE

Scope of part

15151. The provisions of this part which relate to apartment houses and hotels apply in all parts of the State. The provisions of this part which relate to dwellings apply only in cities and in the unincorporated area of any county in which the board of supervisors finds that the application of such provisions to such area is necessary to the health and safety of the people therein and by resolution based upon such finding adopts the provisions of this part relating to dwellings.

(Amended by Stats. 1959, Ch. 1052.)

Waiver of compliance

15151.3. The enforcement agency having jurisdiction is hereby authorized to waive strict compliance with the provisions of this part as to any building operated by nonprofit corporation, association or organization exclusively for recreational purposes for seasonal use only, and located in an unincorporated area of the State. Such waiver shall be limited and restricted to such matters as in the judgment of the enforcement

agency will not create a hazard to the health or safety of the public or the occupants of such buildings after giving proper consideration to the location and use thereof.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

15152. The provisions of this part constitute minimum requirements for the protection, health, and safety of the public and of the occupants of apartment houses, hotels, and dwellings. Minimum requirements

15153. Subject to the provisions of Section 15153.2 the governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by this part, or prescribing fees for permits, certificates, or other papers required by this part. Local ordinances

(Amended by Stats. 1953, Ch. 1155.)

15153.2. An ordinance or that portion of an ordinance or code incorporated in an ordinance, which regulates or prescribes standards for the installation of plumbing outside of buildings or structures in the unincorporated area of a county for the purpose of connecting such building or structure to sewer mains, shall not be effective within the boundaries of a sanitary district formed pursuant to Part 1 of Division 6 of this code which has adopted an ordinance or regulation governing such installations and requiring inspection and the payment of fees therefor. Exemption

(Added by Stats. 1953, Ch. 1155.)

15154. Except as otherwise permitted or required by this part: Conformance

(a) In any structural addition or any alteration, repair, installation, or change in, including use or occupancy, or reconstruction of, any building, such new work shall meet all of the requirements of this part.

(b) It is unlawful to increase the percentage of the lot occupied, or in any manner, whether by sale, conveyance or otherwise, to diminish the required size of yards, courts, passageways, shafts, windows or skylights, or to remove any required sanitary facility, fire protection equipment, device, safeguard, installation, stairway, or fire escape, or to obstruct the egress from any building or from the hallways, passageways, or stairways.

(c) Minor structural additions, alterations or repairs, when approved by the building department, may be made with the same kind of material of which the building is constructed.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

15155. Any building or structure not erected for use as an apartment house, hotel, or dwelling, which is converted to or altered for such use, shall conform to all the provisions of this part affecting an apartment house, hotel, or dwelling, as the case may be. Use conversion

Relocation

15156. Any apartment house, hotel, or dwelling which is moved shall conform to all the provisions of this part affecting any such building pertaining to:

- (a) Percentage of unoccupied area.
- (b) Heights.
- (c) The size of:
 - (1) Outer courts.
 - (2) Inner courts bounded by a lot line.
 - (3) Yards.

Reconstruction following damage

15157. If it is reconstructed, any building which has been damaged by fire or the elements to an extent in excess of 60 percent of its physical proportion, shall conform to all the provisions of this part.

Combination apartment house-hotel

15158. In any building erected as, or altered or converted into, a combined apartment house and hotel every portion used for apartment house purposes, including each apartment, shall comply with all the apartment house requirements of this part; and every portion used for hotel purposes, including each guest room and dormitory, shall comply with all the hotel requirements of this part.

Use of alternate materials, etc.

15159. The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved.

The building department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of life and health.

The building department may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Tests: Proof of compliance

15160. Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part, or in order to substantiate claims for alternates, the building department may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Authorization of substitutes

15161. The Division of Housing may authorize the substitution of any material, appliance, installation, device, arrangement, method or type of construction for that which is prescribed in this part under the following conditions:

(a) When and where the division determines that there exists a critical shortage of the material, appliance or device prescribed.

(b) In unincorporated areas of the State where the population density is less than 300 persons per square mile.

(c) When and where, in the judgment of the division, the substitution will not create a hazard to the health or safety of the public or of the occupants of buildings.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

CHAPTER 3. ADMINISTRATION AND ENFORCEMENT

Article 1. Enforcement Agencies

15250. The building department of every city shall enforce within the city all the provisions of this part pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or arrangement of apartment houses, hotels, or dwellings.

In cities:
Building
department

15251. The housing department or, if there is no housing department, the health department, of every city shall enforce within the city all the provisions of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

Housing
or health
department

15252. If there is no building department, housing department, or health department in a city, the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation, or occupancy of buildings, or of the police, fire, or health regulations, in the city, shall enforce within the city all the provisions of this part.

Where no
building,
housing
or health
department

15253. In every county the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, occupancy, or ventilation of buildings, or of the police, fire, or health regulations, in the county, shall enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Outside
cities:
County en-
forcement
officer

15254. Any city or county may designate and charge by charter ordinance or resolution any department or officer, other than a department or officer mentioned in this chapter, with the enforcement of any or all of the provisions of this part within its territorial limits.

Designation
of depart-
ment or
officer

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

15255. The Department of Industrial Relations may enforce, outside the territorial limits of any city, all the provisions of this part pertaining to apartment houses and hotels.

Department
of Industrial
Relations

The Department of Industrial Relations may enforce within any city any provision of this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of buildings which it finds has been or is being violated, after it has given

the housing department of the city written notice of the violation and that department has failed to correct the violation within the following 30 days.

Waiver of
compliance

15256. The enforcement agency having jurisdiction is hereby authorized to waive strict compliance with the provisions of this part as to any building operated by a nonprofit corporation, association or organization exclusively for recreational purposes for seasonal use only, and located in an unincorporated area of the State. Such waiver shall be limited and restricted to such matters as in the judgment of the enforcement agency will not create a hazard to the health or safety of the public or the occupants of such buildings after giving proper consideration to the location and use thereof.

(Added by Stats. 1951, Ch. 547.)

Article 2. Inspection

By enforce-
ment agency

15270. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part which the enforcement agency has the power to enforce.

By build-
ing owner

15271. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part.

Restrictions

15272. No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 6 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

Article 3. Actions and Proceedings

Action:
Institution

15290. If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice issued by an enforcement agency pursuant to, this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Relief
pending
judgment

15291. An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court, or to any judge of the superior court, for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

Order for
nuisance
abatement,
etc.

15292. If any notice or order issued by an enforcement agency is not complied with, the enforcement agency may

apply to the superior court, or to any judge of the superior court, for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

15293. The superior court, or any judge of the superior court, may make any order for which application is made pursuant to this article. Who may make order

15294. Neither an enforcement agency, any of its officers, nor any city or county for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article. Liability for costs

(Amended by Stats. 1947, Ch. 1493.)

15295. Except as otherwise specified in this article, the procedure in any action or proceeding instituted pursuant to this article shall be as set forth in the charter or ordinances of the city or county in which the action or proceeding arose. Procedure

(Amended by Stats. 1947, Ch. 1493.)

15296. Any enforcement agency which institutes an action or proceeding pursuant to this article may file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice may be filed at the time of the commencement of the action or proceeding, or at any time before final judgment or order. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure. Notice of pending action: Filing

15297. The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding. Recording

15298. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded. Vacating
Recordation of order

(Amended by Stats. 1957, Ch. 1865.)

15299. In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure. Service: Summons

15300. Every notice or order issued pursuant to this part shall be served five days before the time for doing or refraining from doing the thing to which it pertains. Notice of order

Article 4. Records

15315. In every city, the owner, lessee, or other person in control of an apartment house or hotel shall file with the housing department a notice containing the following information: Notices: Property description

(a) His name and address.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

(c) If an apartment house:

(1) The number of apartments.

(2) The number of rooms in each apartment.

(3) The number of families occupying the apartments.

(d) If an hotel, the number of rooms.

Ownership
transfer

15316. Within 30 days after the ownership in any apartment house or hotel is transferred the transferee shall file with the housing department a notice of the transfer to him.

Death of
owner

15317. If the owner of an apartment house or hotel dies leaving the property by will, within 30 days after the probate of the will the executor of the will, and any person to whom he leaves the property, if over the age of 21 years, shall file with the housing department a notice stating the fact of the owner's death and the name of the person who has succeeded to the property.

If the owner of an apartment house or hotel dies without a will, within 30 days after his death his heirs or, if all his heirs are under the age of 21 years, the administrator of his estate, shall file with the housing department the notice mentioned in this section.

Name of
owner or
agent

15318. In every city, the owner or lessee of an apartment house or hotel, or the agent of either, shall file with the housing department a notice containing the following information:

(a) The name and address of the owner or lessee; or of an agent of either upon whom process may be served.

(b) A description of the property, by street and number or otherwise, of such character as will enable the department to locate it easily.

Indices

15319. Each housing department shall index the notices required to be filed with it pursuant to this article so that all of those relating to a particular apartment house or hotel will be indexed together and readily ascertainable. The indices are public records, and shall be open to public inspection during business hours.

CHAPTER 4. PERMITS AND CERTIFICATES

Article 1. Building Permits

Permit
required

15351. No person shall erect, construct, reconstruct, move, convert, or alter a building within any city unless he has obtained a written permit for that purpose from the building department.

Exception

The department may allow any person to make changes, alterations, or repairs to or in a dwelling without a permit, if the work is to be of a minor nature and will not affect the structural features, or the sanitation, ventilation, or safety of the dwelling.

15352. Any person desiring a permit shall file an applica- Application
tion therefor with the building department.

15353. The application shall be made upon forms to be Contents
furnished by the department and shall contain:

(a) The name and address of the applicant. If the appli-
cant is other than the owner, then the application shall also
include the name and address of the owner.

(b) The name and address of his architect or his contrac-
tor, if he has an architect or contractor.

(c) A detailed written statement of the work to be done.

(Amended by Stats. 1957, Ch. 1405.)

15354. The applicant shall file with his application:

Work
plans, etc.

(a) A complete set of the plans of the work proposed.

(b) A set of specifications describing the materials to be
used in the work.

(c) A plan of the lot on which the work is to be performed,
which shall clearly indicate an outline of any existing building
or structure on the lot.

15355. The building department may issue a permit to make Exception
nominal alterations or repairs in an apartment house or hotel
without requiring the filing of plans and specifications, if the
alterations or repairs will not affect the structural features,
sanitation, or ventilation of the building.

15356. The building department shall examine the applica- Issuance
tion, plans, and specifications filed with it by an applicant, and
if it appears that the work to be done will not result in a viola-
tion of this part, shall approve them and issue a permit to the
applicant.

15357. The building department may approve changes in Changes
any application, plans, or specifications previously approved
by it.

15358. The building department may revoke any permit if Revocation
the permittee refuses, fails, or neglects to comply with any pro-
vision of this part, or if it finds that any false statement or
misrepresentation was made in the application, plans, or specifi-
cations filed by the permittee.

15359. The work authorized by a permit shall be performed Performance
only in accordance with the application, plans, and specifica-
tions filed by the permittee.

15360. The issuance of a permit does not constitute approval Effect of
of any violation of any provision of this part. Issuance

15361. An approved copy of the plans and specifications Copy of
filed in connection with any work for which a permit is issued approved
shall be kept upon the building or premises in respect to which plans
the work is authorized, from the commencement to the final
completion of the work. Approval shall be evidenced by a
stamp or writing of the building department upon the copy.
The copy shall be subject to the inspection of proper authorities
at all times.

Termination 15362. The authority granted by a permit shall expire if the work authorized is not commenced within 90 days from the date on which the permit is issued, or if the work is suspended for a period of 90 days after it is commenced. Before proceeding further with the work a new permit shall be obtained.

Article 2. Certificate of Final Completion and Permit of Occupancy

Certificate required 15380. The owner or lessee of any apartment house or hotel erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a "certificate of final completion" from the building department of the city.

Application 15381. He shall file with the building department a written application for the certificate containing a description of the work performed. The department shall inspect the work within 10 days after the application is filed, and, if it meets the requirements of this part, shall issue the certificate to him.

Permit of occupancy 15382. The owner or lessee of any of the following buildings erected, constructed, reconstructed, moved, converted, or altered in any city shall obtain a permit of occupancy from the housing department of the city:

(a) An apartment house; excluding an apartment house occupied by four or less families erected prior to August 17, 1923, and which has not been reconstructed, moved, converted, or altered since that date.

(b) An hotel.

Application 15383. He shall file with the housing department a written application for the permit, together with any certificate of final completion issued for the building. If the department finds that no violations of this part have occurred since the issuance of the certificate, the department shall issue a permit to him. He does not have to file a certificate if a certificate is not required for the building; but in such case the department shall issue a permit to him only after it finds that the building conforms to the provisions of this part regarding sanitation.

Validity 15384. A permit of occupancy is valid from the date of its issuance until revoked.

Display 15385. The person to whom a permit of occupancy is issued shall display it in a conspicuous place in the building to which it pertains so that it may be readily seen by the authorized representative of any enforcement agency.

Duplicates 15386. Any permit or certificate issued pursuant to this article shall be made in duplicate and a copy shall remain on file with the department which issued it.

Prohibition 15387. No person shall occupy, or permit the occupation of, any apartment house or hotel for which a certificate of final completion and a permit of occupancy are required, until the certificate and permit have been issued.

15388. Any apartment house or hotel for which a certificate of final completion or a permit of occupancy is required which is occupied prior to the issuance of the certificate or permit, is an unlawful structure. The enforcement agency may have it vacated, and it shall not be occupied thereafter until the certificate or permit has been obtained.

Unlawful
structure

CHAPTER 5. BUILDINGS ON SAME LOT

Article 1. Distances Between

15500. No building, and no structure, except a garage or washing machine room permitted by this article, shall be placed on the front or the rear of any interior lot on which an apartment house or hotel is situated within a distance of 20 feet from the apartment house or hotel, plus two additional feet for every story over two of the highest building or structure on the lot.

Distance
between
buildings

(Amended by Stats. 1955, Ch. 442.)

15500.4. A structure not more than one story in height to be used exclusively as a washing machine room by the occupants of an apartment house or hotel may be erected on the rear of an interior lot on which the apartment house or hotel is situated within a distance of 20 feet from the apartment house or hotel, if the structure does not encroach upon or occupy any portion of the lot required to be used or left vacant for use as a rear yard.

Washing
machine
room

(Added by Stats. 1955, Ch. 442.)

15501. A structure not more than one story in height to be used as a garage solely by the occupants of an apartment house or hotel may be erected on the front or rear of an interior lot on which an apartment house or hotel is situated within a distance of 20 feet from the apartment house or hotel, if it will not encroach upon or occupy any portion of the lot required to be used or left vacant for any use as set forth herein.

Garage

(Amended by Stats. 1955, Ch. 442.)

Article 2. Rear Building Passageway

15520. A building may be erected to the front or rear of another building if a passageway, open and unobstructed to the sky and not less than 10 feet in width, extending from the front of the rear building to the front line of the lot on which the buildings are situated, is provided. If the front building is more than two stories in height, the passageway shall be increased two feet in width, open, and unobstructed to the sky, for each additional story.

Required
passageway

15521. If the rear building is a dwelling, or an apartment house not more than two stories in height accommodating not more than two families on the second story, the passageway need not be provided if there is access, open and unobstructed to the sky and at least 10 feet in width, from such building to a street

Exception

other than the street fronting the lot, or to an alley not less than 10 feet in width.

Dwellings 15522. If there are only two one-story dwellings on one lot, each accommodating not more than two families, the passageway required by this article may be not less than five feet in width.

Ownership 15523. Ownership in any passageway required by this article shall be in the owner of the building for which the passageway is required.

CHAPTER 6. UNOCCUPIED AREA

Corner lot 15600. At least 10 per cent of every corner lot on which an apartment house is erected shall be left unoccupied.

Interior lot 15601. At least 25 per cent of every interior lot on which an apartment house is erected shall be left unoccupied.

Computation 15602. If either a corner or interior lot on which an apartment house is erected extends from one street to another street, a public alley, or public park, one-half of the width of the narrowest street, public alley, or public park to which the lot abuts may be considered a part of the lot in computing the percentage of the lot to be left unoccupied; but if such one-half is greater than the depth of the rear yard required for the apartment house, then only as much as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of the lot to be left unoccupied.

Exception 15603. If an apartment house is not more than two stories in height and is built to accommodate not more than two families above the first story, the percentage of lot to be left unoccupied may be not less than one-half of that prescribed by this chapter.

Projecting windows 15604. If the required unoccupied area of a lot is located on the rear of, and behind the apartment house on, the lot in such manner that the depth of the rear yard of the building is increased to a depth greater than that required by this part, bay windows may project into the unoccupied area from any floor above the first floor of the building, subject to the following conditions:

(a) The windows shall not project more than three feet into the unoccupied area.

(b) No window shall contain more than 15 square feet of superficial floor area.

(c) The windows shall be at least four feet apart.

(d) No window shall project into any part of the minimum unoccupied rear yard space required by this part.

CHAPTER 7. YARDS AND COURTS

Article 1. General Provisions

Single yard 15650. A single yard or court shall not serve two buildings.

Projections: Cornices, etc. 15651. A cornice, belt course, or similar projection on a building may extend:

(a) Into an outer court, two inches for each one foot of the width of the court.

(b) Into an inner court, one inch for each one foot of the width of the court.

(c) Any distance desired into any court if the minimum required width of the court is maintained open and unobstructed.

15652. A cornice or similar projection may extend into a Same yard the distance permitted in the case of an outer court.

15653. Outside stairways, platforms, and balconies constructed of open metal work, and fire escapes may extend not more than four feet beyond the exterior walls of a building into a yard or court, if they do not obstruct the light and ventilation of rooms or apartments within the building. Outside stairways, etc.

A retaining wall may extend not more than 12 inches into a yard or court.

15654. In an apartment house or hotel every recess from a court, yard, or street shall be not less in width than its depth. It shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in which there are rooms it is designed to serve. Recess

15655. The area of the recess shall not be included in computing the area of a court or yard. Same

Article 2. Yards

15680. There shall be a rear yard immediately behind every apartment house on the lot on which the latter is situated. Rear yard: Apartment house

15681. The yard shall extend, open and unobstructed to the sky, across the entire width of the lot from the lowest floor of the apartment house used for living or sleeping purposes. Extent

15682. The rear yard of an apartment house on an interior lot shall have a depth not less than that set forth in the following table: Depth: On interior lot

Height of apartment house measured from top of rear wall of building to ground	Depth of rear yard
Not exceeding 36 feet-----	10 feet
More than 36 but not exceeding 48 feet-----	11 feet
More than 48 but not exceeding 60 feet-----	12 feet
More than 60 but not exceeding 72 feet-----	14 feet
More than 72 but not exceeding 84 feet-----	16 feet
More than 84 but not exceeding 96 feet-----	18 feet
Exceeding 96 feet-----	20 feet

15683. The rear yard of an apartment house on a corner lot shall have a depth not less than that set forth in the following table: On corner lot

	<p>Depth of lot</p> <p>Not exceeding 100 feet-----</p> <p>Exceeding 100 feet-----</p>	<p>Depth of rear yard</p> <p>10 per cent of depth of lot, minimum width required for outer court of the apartment house, or five feet, whichever is the greater.</p> <p>Minimum width required for outer court of apartment house, or 10 feet, whichever is the greater.</p>
Exception	<p>15684. In the case of an apartment house not more than two stories in height, designed or built to accommodate not more than two families above the first story, the depth of the rear yard may be one-half of that prescribed by this article, but not less than five feet.</p>	
Uniform depth	<p>15685. A rear yard of an apartment house designed to exceed 75 feet in width and situated on both a corner and interior lot may be of a uniform depth the entire width of the lots. In computing the uniform depth, the area of the portion of the yard on the interior lot shall be added to the area of the portion of the yard on the corner lot.</p>	
Computation	<p>15686. If either a corner or interior lot extends from one street to another street, a public alley, or public park, one-half of the width of the street, public alley, or public park which is the narrowest may be considered a part of the lot in computing the minimum depth of a rear yard of an apartment house.</p>	
Access to street	<p>15687. Every apartment house rear yard not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway not less than three feet in width nor less than seven feet in height. Any portion of the passageway which passes through a building shall be constructed of approved incombustible materials; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or lined with not less than number 26 gauge galvanized iron on solid sheathing of not less than thirteen-sixteenths inch boards.</p>	
Apartment house-hotel	<p>15688. Every building erected as, or altered or converted into, a combined apartment house and hotel shall be provided with the rear yard required by this article for apartment houses.</p>	
Space	<p>15689. The space beneath a rear yard of an apartment house on an interior lot shall not exceed one story, which shall not be more than eight feet six inches in height from the floor to the ceiling. Fireproof material shall be used in the construction of the floor of the yard and of the space beneath it.</p>	
Rear yard: Hotel	<p>15690. The depth of a rear yard of any hotel designed to have a rear yard shall be not less than the minimum width of an inner court bounded on one side by a lot line specified in this chapter for an hotel of the same height.</p>	
Computation	<p>15691. If the lot on which an hotel is situated extends from one street to another street, a public alley, or public park, one-</p>	

half of the width of the street, alley, or park may be considered a part of the lot in computing the depth of a rear yard on the lot.

15692. The depth of a rear yard for an apartment house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line of the lot on which the building is situated. Measurement

15693. The depth of a rear yard of a dwelling designed to have a rear yard shall be not less than four feet. Rear yard:
Dwelling

15694. Every front yard excavated below the curb or adjoining ground levels for the purpose of furnishing light and ventilation for a basement shall not be less in width than the width specified in this chapter for an outer court of the building on the lot on which the yard is situated. Front yard

15695. The width of a side yard shall be not less than the minimum width specified in this chapter for an outer court of the building on the lot on which the yard is situated; but if there is a side yard on each side of the building, connected together at the rear of the building by a rear yard, the width of each side yard may be reduced 12 inches. Side yard

Article 3. Courts

15730. An outer court of an apartment house shall have a minimum width and maximum length corresponding to that set forth in the following table: Outer court:
Apartment house

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of outer court in every part	Maximum length of outer court
2 stories-----	4 feet 0 inches	-----
3 stories-----	4 feet 6 inches	25 feet
4 stories-----	5 feet 0 inches	30 feet
5 stories-----	6 feet 0 inches	35 feet
6 stories-----	7 feet 0 inches	35 feet
7 stories-----	8 feet 0 inches	40 feet
8 stories-----	9 feet 0 inches	40 feet
9 stories-----	10 feet 0 inches	40 feet
10 stories-----	11 feet 0 inches	40 feet
11 stories-----	12 feet 0 inches	40 feet
12 stories-----	13 feet 0 inches	40 feet
13 stories-----	14 feet 0 inches	40 feet
14 or more stories-----	15 feet 0 inches	40 feet

15731. There is no maximum length for an apartment house outer court bounded on one side for its entire length by a lot line. Exception

Additional
width

15732. Except in the case of a court of an apartment house not more than two stories in height, six inches shall be added to the minimum width of each apartment house outer court the maximum length of which is prescribed by this article for each five, or fractional part of five, feet that the length of the court exceeds the maximum length.

Width com-
putation

15733. If an outer court of an apartment house is bounded by a public alley or public park, the width of the alley or park may be considered a part of the lot in determining the required width of the court.

Outer court:
Hotel

15734. An outer court of an hotel shall have a minimum width corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of outer court in every part
1 and 2 stories-----	4 feet 0 inches
3 stories-----	4 feet 6 inches
4 stories-----	5 feet 0 inches
5 stories-----	6 feet 0 inches
6 stories-----	7 feet 0 inches
7 stories or more-----	8 feet 0 inches

Dwelling

15735. The provisions of this article applicable to outer courts of apartment houses two stories in height are also applicable to outer courts of dwellings.

Inner court:
Apartment
house

15736. An apartment house inner court, except one bounded on one side for its entire length by a lot line, shall have a minimum width and area corresponding to that set forth in the following table:

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories-----	6 feet	75 square feet
3 stories-----	7 feet	120 square feet
4 stories-----	9 feet	160 square feet
5 stories-----	12 feet	250 square feet
6 stories-----	16 feet	400 square feet
7 stories-----	20 feet	625 square feet
8 stories or more-----	24 feet	840 square feet

15737. An apartment house inner court bounded on one side for its entire length by a lot line shall have a minimum width and area corresponding to that set forth in the following table:

Height of apartment house in stories upwards from and including the lowest story in which there is an apartment	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories_____	5 feet	60 square feet
3 stories_____	6 feet	120 square feet
4 stories_____	7 feet	175 square feet
5 stories_____	9 feet	225 square feet
6 stories_____	12 feet	360 square feet
7 stories_____	15 feet	525 square feet
8 stories or more_____	18 feet	630 square feet

15738. Any inner court of an apartment house accommodating not more than two families above the first story may have a width one foot less than the minimum width otherwise required by this article, but the area of the court shall be not less than 60 square feet.

Exception

15739. An hotel inner court, except one bounded on one side for its entire length by a lot line, shall have a minimum width and length corresponding to that set forth in the following table:

Inner court:
Hotel

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of inner court in every part	Minimum length of inner court
1 and 2 stories_____	5 feet	9 feet
3 stories_____	7 feet	10 feet
4 stories_____	10 feet	12 feet
5 stories_____	10 feet	16 feet
6 stories_____	12 feet	18 feet
7 stories_____	14 feet	20 feet
8 stories or more_____	16 feet	22 feet

Same 15740. An hotel inner court bounded on one side for its entire length by a lot line shall have a minimum width and length measured as and corresponding to that set forth in the following table:

Height of hotel in stories upwards from and including the lowest story in which there is a guest room or dormitory	Minimum width of court in every part measured at right angles to lot line	Minimum length of court measured parallel to the lot line
1 and 2 stories -----	4 feet	9 feet
3 stories -----	5 feet	10 feet
4 stories -----	6 feet	10 feet
5 stories -----	7 feet	10 feet
6 stories -----	8 feet	12 feet
7 stories -----	9 feet	13 feet
8 stories or more -----	10 feet	14 feet

Dwelling 15741. An inner court of a dwelling shall have a width not less than the minimum width required for an outer court of the dwelling, and shall contain an area of not less than 40 square feet.

Access to court 15742. Every inner court in an apartment house or hotel shall be provided with a door or window at or near its bottom permitting access to the court for cleaning purposes.

Intake: Apartment house 15743. Every inner court of an apartment house more than two stories in height from the lowest floor containing apartments shall be provided with an horizontal intake at its bottom, extending directly to a front of lot, front yard, rear yard, side yard, street, public alley, or public park.

Same 15744. The intake of an apartment house inner court shall consist of any of the following:

(a) An unobstructed duct or passageway having a minimum width of three feet in all its parts, and a minimum height of six feet six inches.

(b) An unobstructed open duct containing an interior aggregate area of not less than 19½ square feet, no dimension of which is less than three feet, covered at each end with a wire screen with a mesh one-half inch in diameter.

(c) If the inner court does not extend below the second floor level, an unobstructed open duct or ducts, containing an interior aggregate area of not less than 10 square feet, no dimension of which is less than 12 inches, covered at each end with a wire screen with a mesh one-half inch in diameter.

15745. Every inner court of an hotel more than two stories **Hotel** in height from the lowest floor containing guest rooms shall be provided with an horizontal intake at its bottom.

15746. The intake of an hotel inner court shall consist of **Same** an unobstructed open duct containing an aggregate area of not less than five square feet, covered at each end with a wire screen with a mesh one-half inch in diameter.

15747. Every inner court intake shall be (a) constructed **Materials** of approved incombustible materials, (b) lathed with metal lath plastered not less than three-quarters of an inch thick, or (c) sheathed solidly with not less than twenty-five-thirty-seconds-inch boards covered with at least number 26 gauge galvanized iron.

15748. Every inner court intake shall be closed at each **Gate** end with a gate or grill having not less than 75 per cent open work.

15749. Every inner court intake shall be drained, and shall **Drain** be so constructed that it may be readily cleaned.

15750. If they are surrounded on four sides by the walls **Walls** of the building, the walls of every inner court of a semi-fireproof or wooden apartment house or hotel shall be constructed either of the materials specified for the inner court walls of fireproof buildings; or of wood studs, with fire stops between the studs at each floor and halfway between each floor, lathed on both sides with metal lath plastered not less than three-quarters of an inch thick.

The weather side of any such wall shall either be plastered with Portland cement plaster, or shall be sheathed solidly with not less than thirteen-sixteenths inch boards, covered with metal of not less than number 26 gauge.

CHAPTER 8. HEIGHT OF BUILDINGS

15850. For the purpose of this chapter:

(a) The height of a building is the perpendicular distance **Building height** from the actual adjoining sidewalk or ground level to the lowest point of the finished ceiling of the top story of the building.

(b) The width of a street is measured from the extreme **Street width** front of a building to the front of lot directly across the street.

15851. The height of a semifireproof apartment house or **Semifireproof building** hotel shall not exceed six stories at any point nor more than two times the width of the widest street abutting the lot on which the building is situated.

15852. The height of a wooden apartment house or hotel **Wooden building** shall not exceed any of the following:

(a) Three stories for living or sleeping purposes at any point.

(b) More than two times the width of the widest street abutting the lot on which the building is situated.

(c) Fifty feet at any point above the adjoining sidewalk or actual ground levels.

Exception 15853. The height of a semifireproof or wooden apartment house or hotel may be more than two times the width of the widest street abutting the lot on which the building is situated, subject to the following conditions:

(a) That each story above that height is set back not less than six feet from the street facade of the story immediately below it.

(b) That any other height limit applicable to the building is not exceeded.

Basement 15854. Any wooden apartment house or hotel with not more than three stories for living or sleeping purposes at any point may have, in addition, a basement with a ceiling height of not more than eight feet above the adjoining sidewalk or ground levels. If, however, the basement contains any room used for living or sleeping purposes, it shall be counted as a story for living or sleeping purposes.

CHAPTER 9. BASEMENTS

Rooms 15901. No room in a basement of an apartment house or hotel shall be constructed, altered, or occupied for living or sleeping purposes unless it conforms to all the requirements of this part for living or sleeping rooms in other parts of the building.

Walls and floor 15902. The walls and floor of every basement which are below the ground level shall be waterproof and dampproof, and, whenever ordered by the enforcement agency, the walls and ceiling shall be plastered.

Ventilation 15903. Every basement shall be ventilated.

Excavation 15904. If the ground adjoining a basement is excavated to or below the curb level, or to or below the adjoining natural ground level, the excavated space shall not be less in width than the minimum width specified in this part for the outer courts of the building in which the basement is situated.

CHAPTER 10. LOWER FLOOR AIR SPACE

Air space 16000. There shall be a clear air space of at least 18 inches under the lowest floor, unless it is masonry floor, of every apartment house, hotel, or dwelling, measured from the under side of the floor joists to the surface directly beneath the floor joists.

Clearance The clearance between the girders supporting the joists and the surface directly beneath the girders shall be at least 12 inches.

Ventilation 16001. The air space shall be inclosed and provided with a sufficient number of openings with screens, lattice work, or similar installations of a size to insure ample ventilation.

Sanitation 16002. The air space shall be kept clean and free from any accumulation of rubbish, debris, or filth.

CHAPTER 11. ROOM AND HALLWAY DIMENSIONS

Article 1. Room Dimensions

16050. Except as otherwise provided in this chapter, the provisions of this chapter do not apply to any of the following: Exceptions

- (a) A water-closet, bath, or slop-sink compartment.
- (b) A closet.
- (c) A recess from a room.
- (d) A dressing room.
- (e) An entertainment, amusement, or reception room.
- (f) A dormitory.

16051. In every apartment in an apartment house at least one room shall contain not less than 120 square feet of superficial floor area, and every other room shall contain not less than 90 square feet of superficial floor area. Floor area:
Apartment
house

16052. Each guest room in an hotel shall contain not less than 90 square feet of superficial floor area. However, the superficial floor area in the room may be not less than 70 square feet if: Hotel

(a) The required aggregate window area in the room is not less than 16 square feet.

(b) It is not occupied or designed for occupancy by more than one person.

16053. Each room in a dwelling designed, built, or intended for sleeping purposes shall contain not less than 80 square feet of superficial floor area. Dwelling

16054. Every kitchen in an apartment house or dwelling shall contain not less than 50 square feet of superficial floor area. Kitchen

16055. The minimum width of every room, except a kitchen, in an apartment house, of every room in an hotel, and of every room designed, built, or intended for sleeping purposes in a dwelling shall be not less than seven feet at any point within that portion of the room included in any computation of the minimum allowable floor area of the room. Width

16056. Every room in an apartment house more than two stories in height or in an hotel shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. In any such room required to have a minimum superficial floor area, the cubic air content shall not be less than a cubic air content computed on the basis of a nine-foot ceiling height, measured from the finished floor to the finished ceiling. Ceiling
height:
Apartment
house; hotel

(Amended by Stats. 1939, Ch. 477.)

16057. Every room in a dwelling or in an apartment house not more than two stories in height shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling. Dwelling

(Amended by Stats. 1939, Ch. 477.)

16058. If any room in any building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area of the room. No portion of the room meas- Sloping
ceiling

uring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area of the room, nor shall any portion of the room inclosure have a clear ceiling height of less than three feet.

Added room

16059. Any room added to any building shall have a ceiling height not less than that permitted in any other room on the story on which it is added, or not less than seven feet six inches, whichever is greater.

If the added room has a sloping ceiling, the minimum ceiling height is required in only one-half its area. However, the clear ceiling height shall not be less than three feet in every portion of the room inclosure, and the cubic air content of the room shall not be less than a cubic air content computed on the basis of a clear ceiling height of seven feet six inches in every portion of the room. If a minimum superficial floor area is required in the room, no portion of the room in which the ceiling height is less than five feet, measured from the finished floor to the finished ceiling, shall be included in the computation of the area.

Water-closet
compartment: Width
Ceiling
height

16060. Every water-closet compartment in any building shall be at least 30 inches in clear width.

16061. Every water-closet, bath, or slop-sink compartment, and every closet or recess from a room shall have a ceiling height of not less than seven feet six inches, measured from the finished floor to the finished ceiling. If it has a sloping ceiling the minimum ceiling height is required in only one-half of its area.

Closets, etc.

16062. Every closet, recess from a room, or dressing room containing more than 25 square feet of superficial floor area in an apartment house designed and built to accommodate three or more families above the first story, and in an hotel shall conform to all of the provisions of this part applicable to rooms in the building.

Amusement
rooms, etc.

16063. Every amusement, entertainment, reception or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than eight feet.

Article 2. Hallway Dimensions

Public
hallway

16100. A public hallway from a stairway shall be measured in the same manner as the stairway; shall be not less than 44 inches in width; and shall have a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

If there are furred or occasional structural beams in the finished ceiling, the distance between the bottom of the beams and the finished floor shall not be less than seven feet six inches. (Amended by Stats. 1947, Ch. 1493.)

Added
hallway

16101. Any hallway added to any building shall have a ceiling height not less than that permitted in any other hallway on the same story on which it is added, or not less than seven feet six inches, whichever is greater.

Article 3. Doorways

(Article 3 added by Stats. 1947, Ch. 1493)

16105. In any apartment house or hotel any doorway furnishing public egress shall be not less than 35 inches in clear width and 79 inches in clear height.

(Added by Stats. 1947, Ch. 1493.)

CHAPTER 12. WINDOWS AND SKYLIGHTS

Article 1. Buildings Erected Prior to August 17, 1923

16200. The provisions of this article apply only to buildings erected prior to August 17, 1923. Scope of article

16201. Every room occupied for living or sleeping purposes in an apartment house or hotel shall have a window of an area not less than eight square feet, opening directly upon a street, yard, or court; or upon an open and unobstructed shaft, without a roof or skylight over it, not less than 25 square feet in area and in no part less than four feet in width. Window

16202. If a room is on the top floor of the building it may be ventilated by a skylight with fixed or movable louvers opening directly to the outer air; or it may have a window opening upon a vent shaft not less than 10 square feet in area, if the window is not more than three feet below the top of the shaft wall. Skylight, etc.

16203. Unless the skylights met the requirements that were in effect when they were installed, they shall have an effective horizontal area of glass not less than eight square feet, and shall be provided with louvers containing a ventilating area of not less than 400 square inches. Glass area

16204. Any public hallway in an apartment house or hotel which does not meet the requirements of this part for public hallways shall be provided with light and ventilation to the outer air. The light and ventilation shall be provided by making alterations satisfactory to the enforcement agency. Public hallway

Article 2. In Rooms

16221. In every building, each of the following rooms shall have one or more windows, unless it is permitted to be, and is, ventilated by a fan exhaust system of ventilation pursuant to the provisions of this article: Window

(a) Living room, bedroom, guest room, or dormitory.

(b) Kitchen, scullery, pantry (except a pantry in an apartment), or other room in which food is stored or prepared.

(c) Dining, general amusement, entertainment, reception, or general utility room.

(d) Room or compartment in which is installed a water-closet, shower, bathtub, or toilet.

(e) Slop-sink room.

16222. Each window shall open directly into a street or public alley, or a yard or court meeting the requirements of this part and located on the same lot as the building; but if Opening:
Yard, etc.

it serves a water-closet or shower compartment, or a bath, toilet, or slop-sink room, it may open directly into a vent shaft.

Roofed porch

16223. A window required for a room in an apartment house or hotel shall not open through any roofed porch more than seven feet in depth, measured at right angles from the window unless the porch:

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side and one end open and unobstructed, except for the usual rails, balustrades, and similar necessary structural features. If the porch is on the ground or main floor of the building, the open and unobstructed side and end shall be at least 65 per cent open and unobstructed, measured between the floor and the underside of the roof of the porch. If it is above the first or main story, such side and end shall be at least 90 per cent open and unobstructed, measured between the floor and the underside of the roof of the porch.

(c) Has a ceiling height of not less than seven feet.

Same

16224. A window required for a room in an apartment house or hotel shall not open through a roofed porch less than seven feet in depth, unless at least one end or side of the porch is at least 50 per cent open and unobstructed, measured at a right angle from the window, and the porch has a ceiling height of not less than seven feet.

Same

16225. A window required for a room in a dwelling shall not open through a roofed porch unless the porch:

(a) Abuts a street, yard, or court.

(b) Is designed and constructed with one side or end at least 50 per cent open and unobstructed, measured between the floor and the underside of the porch roof, except for the usual rails, balustrades, and similar necessary structural features.

(c) Has a ceiling height of not less than seven feet.

Vent shaft

16226. No window serving a living room, bedroom, kitchen, or other room in which food is stored, cooked, or prepared in an apartment house or hotel shall open into a vent shaft.

Location

16227. Each required window shall be so located as to light properly all portions of the room it serves, and shall be so made and arranged that at least one-half of the aggregate window area required in the room may be opened without obstruction.

Window area

16228. The total window area shall be not less than 12 square feet or one-eighth of the superficial floor area, whichever is the greater, in each of the following rooms:

(a) In an apartment house, every room except a pantry.

(b) In an hotel, every room, including a general utility room, a kitchen, scullery, pantry, or other room in which food is stored or prepared.

(c) In a dwelling, every kitchen, and every room used for living and sleeping purposes.

Same

16229. The total window area in a water-closet compartment, or bath, toilet, or shower room shall be:

(a) In a dwelling, not less than three square feet.

(b) In an apartment house or hotel, not less than six square feet.

If the room contains more than one water-closet, bath, or urinal, the total window area shall be equivalent to three square feet for each water-closet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

16230. In every building the total window area of each room used, or intended or designed to be used, for amusement, entertainment, reception, public dining, or similar purposes, shall not be less than one-eighth of the superficial floor area of the room, nor less than 12 square feet, but it need not exceed $22\frac{1}{2}$ square feet. Same

16231. The area of each window in a room in an apartment house or hotel shall not be less than six square feet. Same

16232. All measurements for window area shall be taken to the outside of the window sash. Same

16233. In lieu of any window required by this article, the following rooms in apartment houses and hotels may be provided with an approved fan exhaust system of ventilation: Fan exhaust system

(a) In hotels.

(1) Kitchen, scullery, pantry, or other room in which food is stored, cooked, or prepared.

(2) Laundry room.

(3) Slop-sink room.

(b) In apartment houses or hotels.

(1) Public dining, general amusement, entertainment, reception, or general utility room.

(2) Water-closet or shower compartment, bath or toilet room.

16234. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than: Operation

(a) Five minutes in a scullery in an hotel, and in a water-closet or shower compartment, or bath, toilet, or slop-sink room in an apartment house or hotel.

(b) Fifteen minutes in every other room in an apartment house or hotel.

16235. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor. Failure to operate

Article 3. In Public Hallways

16261. For the purpose of this article, any part of a public hallway in an apartment house which is offset, recessed, or cut off from any other part of the hallway, and which is more in length than three times the width of the hallway, is a separate public hallway. Separate hallway

Window	16262. In an apartment house, every public hallway that serves three or more apartments on any floor, and in an hotel, every public hallway that serves five or more guest rooms on any floor, shall have at least one window, unless it is permitted to be, and is, lighted or ventilated by a skylight, a connecting hallway, or a fan exhaust system of ventilation, pursuant to the provisions of this article.
Opening: Street, etc.	16263. Each window shall open directly into a street, or a yard or court meeting the requirements of this part and located on the same lot as the building.
Roofed porch	16264. The window shall not open through any roofed porch except a roofed porch through which a required window in a room of an apartment house or hotel may open.
Location	16265. Each window shall be so placed at either the end of or at some other location in the hallway as to secure a maximum of light into the hallway, and shall be so made and arranged that at least one-half of it may be opened without obstruction.
Dimensions	16266. Each window shall be at least 29 inches in clear width and 58 inches in height. Its finished sill shall not be more than 30 inches above the adjoining finished floor.
Transom	16266.5. No transom shall be installed opening from any room into any public hallway or passageway. (Added by Stats. 1947, Ch. 1493.)
Skylight	16267. A public hallway in an apartment house or hotel not exceeding two stories in height may, in lieu of any window required by this article, be lighted and ventilated by one or more skylights.
Location	16268. Each skylight shall be so located that no portion of the hallway will be more than 20 feet, measured from a vertical projection, from a skylight opening.
Glass area	16269. Each skylight shall have an effective horizontal area of glass of not less than 15 square feet, and shall be provided with ridge ventilators or fixed or movable louvers containing a ventilating area of not less than 500 square inches.
Fan exhaust system, etc.	16270. A public hallway in a fireproof hotel may, in lieu of any window, be: (a) Lighted and ventilated by a connecting public hallway equipped with a window or skylight meeting the requirements of this article. (b) Ventilated by an approved fan exhaust system of ventilation designed and operated to produce a complete change of air in the hallway in not more than 15 minutes.
Failure to operate	16271. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each public hallway for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor.

Article 4. For Stairways

16300. In an apartment house two or more stories in height containing more than three apartments above the first floor, and in an hotel two or more stories in height containing more than five guest rooms above the first floor, a ventilating skylight shall be provided at the roof directly as practicable over each stairway, unless the stairway is provided with windows and ventilated pursuant to the provisions of this article. Skylight:
Location

16301. Each skylight, including the ventilating openings, and the shutters and closing and opening devices for the ventilating openings, shall be made of approved incombustible materials. Each skylight shall be so arranged that its entire ventilating area may be readily opened, or its ventilators may be fixed permanently in an open position. Materials

16302. The ventilating area in each skylight shall be not less than 500 square inches. Area:
Ventilation

16303. If the skylight is placed in an apartment house or hotel two stories in height, it shall have a minimum effective horizontal area of glass of at least 20 square feet. If it is placed in an apartment house or hotel more than two stories in height, it shall have a minimum effective horizontal area of glass of at least 20 square feet, plus three square feet for each story in excess of two. Glass

16304. A vertical opening partially or entirely surrounded by the stairway and extending from the lowest story of the apartment house or hotel in which there are living or sleeping rooms to the skylight, shall be maintained in connection with the skylight. The opening shall have an horizontal area of at least seven square feet, and shall not be less than one foot in any dimension. Opening

16305. The skylight required by this article may be omitted if windows similar to those required by this chapter for public hallways of apartment houses or hotels are placed at a location adjoining a stairway. Each window shall be provided with an open louver or ventilator containing a ventilating area of not less than 100 square inches. The louver or ventilator may be placed in the roof over the stairway, in which event its ventilating area shall be not less than 500 square inches. Window

CHAPTER 13. STAIRWAYS AND ENCLOSURES
(Heading amended by Stats. 1947, Ch. 1493)

Article 1. Stairways
(Heading added by Stats. 1947, Ch. 1493)

16400. For the purpose of this article:

(a) Floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts. Floor area

(b) The floor above the first or ground floor having the largest floor area shall be used as the basis for computing the number of stairways required in any apartment house or hotel. Computation
basis

However, the number of stairways from that portion of a building above the floor having the largest floor area may be computed on the basis of the floor having the largest floor area in that portion of the building.

Width measurement

(c) The width of each stairway shall be measured in the clear of all projections except (1) the baseboard, and (2) one hand-rail or newel post on each side projecting not more than three and one-half inches into the stairway width.

(Amended by Stats. 1947, Ch. 1493.)

Fireproof building

16401. Every fireproof apartment house or hotel shall have not less than one stairway which shall be not less than 44 inches wide for each 8,000, or fractional part of 8,000, square feet of floor area in any one floor above the first floor.

(Amended by Stats. 1947, Ch. 1493.)

Semifireproof building

16402. Every semifireproof apartment house or hotel shall have not less than one stairway, which shall be not less than 44 inches wide for each 6,000, or fractional part of 6,000, square feet of floor area in any one floor above the first floor.

(Amended by Stats. 1947, Ch. 1493.)

Wooden building

16403. Every wooden apartment house or hotel shall have not less than one stairway, which shall be not less than 44 inches wide for each 5,000, or fractional part of 5,000, square feet of floor area in any one floor above the first floor.

(Amended by Stats. 1947, Ch. 1493.)

Apartment on first and second story

16403.5. In an apartment situated only on the first and second stories of an apartment house, any required stairway terminating at the second story and for the exclusive use of the occupants of the apartment and their invitees, may be not less than three feet in width.

(Added by Stats. 1939, Ch. 477.)

Basement stairway

16404. Every apartment house or hotel three or more stories in height shall have not less than one stairway leading from the outside to every basement or cellar in the building. The stairway shall be not less than three feet wide.

(Amended by Stats. 1947, Ch. 1493.)

Interior basement stairways

16404.5. Interior basement or cellar stairways in an apartment house or hotel three or more stories in height shall be enclosed in accordance with the requirements for interior public stairways specified in Article 2 of this chapter. They shall be cut off from the first or ground floor by a partition and door conforming to the requirements for exit doors and enclosing walls of interior stairways in such buildings specified in Article 2 of this chapter.

(Added by Stats. 1947, Ch. 1493.)

Room egress

16405. Each of the following buildings shall be so designed and constructed that every apartment or guest room within it shall have not less than two means of egress to the floor next below the floor on which the apartment or guest room is located, and to a street, or to a yard or court having unobstructed access to a street or public alley:

(a) An apartment house three or more stories in height.

(b) An apartment house two or more stories in height, in which there are more than four apartments above the first floor.

(c) An hotel three or more stories in height.

(d) An hotel two stories in height in which there are more than six guest rooms above the first floor.

16406. Each means of egress shall be either a stairway or Same fire escape constructed in accordance with this part.

16407. Each means of egress shall be accessible from every Same apartment, or guest room, either directly or through a public hallway, and shall be so located that if one becomes blocked, the other shall be available.

16408. No stairway in any building shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without having to pass by or in front of the open side of the shaft. Elevator abutment

16409. No stairway in any apartment house or hotel shall be located over a furnace, steam boiler, or gas meter, or heater; nor shall any such furnace, boiler, meter, or heater be placed under a stairway, unless it is located in a room the walls and ceilings of which meet the wall and ceiling requirements for boiler rooms. No stairway leading from any other portion of a building shall terminate in or pass through a boiler room. Location over furnace, etc.

(Amended by Stats. 1947, Ch. 1493.)

16410. Every stairway in an apartment house or hotel shall have risers of not more than seven and one-half inches and treads of not less than 10 inches, without change in the rise or run between floors. It shall also have a vertical headroom clearance of not less than six feet six inches. Rise and run, etc.

(Amended by Stats. 1947, Ch. 1493.)

16411. In every apartment house or hotel the tread in every stairway shall be of equal width for every run of stairs, and shall not vary in the width of the stairs. Tread

(Amended by Stats. 1947, Ch. 1493.)

16412. Each stairway required in an apartment house or hotel three or more stories in height shall be continuous from the ground floor level to the top story, and shall be located in such manner that each flight will be directly above the flight below it, or in plain view of each succeeding flight. No such stairway need be carried above the floor used as the basis for computing the number of required stairways pursuant to subdivision (b) of Section 16400. Construction

(Amended by Stats. 1947, Ch. 1493.)

16412.5. The hallway or passageway distance from the nearest exit door of any apartment in an apartment house or guest room in a hotel to a required stairway or fire escape serving the story on which the door is located shall not exceed 100 feet. Distance from apartment to stairway, etc.

(Added by Stats. 1947, Ch. 1493.)

16413. Every stairway shall have at least one handrail. Handrail
If a stairway is 44 inches or more in width, it shall have one handrail on each side.

When the width of a stairway exceeds 88 inches, there shall be provided intermediate handrails continuous between landings and dividing the stairway into portions not more than 66 inches in width.

(Amended by Stats. 1947, Ch. 1493.)

Width

16414. Any stairway not required by this part shall not be less than 30 inches in width.

Construction material

16414.5. Any exterior stairway in an apartment house or hotel shall be constructed of incombustible material or of wood not less than two inches nominal in thickness. No exterior stairway made of combustible material shall be installed on any semifireproof or fireproof building.

(Added by Stats. 1947, Ch. 1493.)

Space under stairway

16415. No closet shall be constructed under any wooden stairway in any apartment house or hotel more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story. The space under the stairway shall be left entirely open, and kept clean and free from all encumbrances; or it shall be effectively closed with walls of studs, lathed with metal lath plastered not less than three-quarters of an inch thick, without a door or any other opening.

Roof egress

16416. In every apartment house or hotel more than two stories in height, the stairway nearest the main entrance of the building shall be carried to the roof level and give egress to the roof through a penthouse or roof structure unless the roof has a slope greater than four in twelve. The portion of the stairway from the topmost story to the roof level shall not be less in width than two feet six inches and shall be enclosed in accordance with the requirements specified for interior stairway enclosures in Article 2 of this chapter.

(Amended by Stats. 1947, Ch. 1493.)

Penthouse: Materials

16417. The penthouse shall be built either of fireproof materials or of wood studs, lathed with metal lath plastered not less than three-quarters of an inch thick; or may be covered with tin or other metal.

Door

16418. The door to the roof from the penthouse or roof structure shall be self-closing, shall open outward, and shall be covered on both sides and edges with tin or other metal.

Door opening

16419. The frames and trim of the opening for the door shall be covered with tin or other metal, and all glass in the door shall be wired glass not less than one-quarter of an inch thick.

Scuttle

16420. In every apartment house or hotel more than two stories in height having a roof with a slope greater than four in twelve, the stairway nearest the main entrance of the building need not be carried to the roof level. However, a scuttle not less than two by three feet shall be constructed through the ceiling and roof in the public hallway over the stairway; and a stairway or stationary ladder not less than 20 inches wide and with rungs not more than 12 inches apart, leading from the top

floor to the roof, shall be installed. Such access to the roof shall be enclosed in accordance with the requirements specified for interior stairway enclosures in Article 2 of this chapter.

(Amended by Stats. 1947, Ch. 1493.)

16421. Every apartment house or hotel more than two stories in height, in existence on August 17, 1923, which is not provided with a stairway carried to the roof, shall afford egress to the roof through a penthouse, or through a scuttle not less than two by three feet, located in the ceiling of a public hallway; and shall have a stairway or stationary ladder, readily accessible to all the tenants of the building, leading from the top floor to the roof.

Building in
existence
August 17,
1923

16422. No scuttle or penthouse door in any hotel or apartment house shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Door
fastening

16423. Every dwelling more than two stories in height shall have a least two means of egress from the topmost story to the second story. Each means of egress shall be either a stairway or a fire escape.

Dwelling
egress

Article 2. Stairway Enclosures: Buildings Hereafter Constructed

(Article 2 added by Stats. 1947, Ch. 1493)

16430. Every interior public stairway in an apartment house or hotel three or more stories in height hereafter constructed shall be enclosed as specified in this article.

Interior
stairway

(Added by Stats. 1947, Ch. 1493.)

16431. A stairway enclosure is not required for a stairway serving only the second floor and not connected with, or forming a part of, any stairway serving any floor above the second.

Same:
Second
floor only

(Added by Stats. 1947, Ch. 1493.)

16432. A stairway enclosure shall include the necessary landings between flights and any hallways or passageways necessary for continuous exit to a court, yard, or street.

Stairway
landings
and exits

(Added by Stats. 1947, Ch. 1493.)

16433. In the case of any wooden or semifireproof hotel or apartment house the enclosing walls shall be constructed of no less fire resistive materials than metal lath with $\frac{3}{4}$ of an inch of plaster on both sides of wooden studs.

Construc-
tion: Semi-
fireproof
hotel, etc.

(Added by Stats. 1947, Ch. 1493.)

16434. In the case of any fireproof hotel or apartment house the enclosing walls shall be constructed of incombustible materials, and shall be no less fire resistive than reinforced concrete five inches thick or unit masonry eight inches thick.

Same:
Fireproof
hotel, etc.

(Added by Stats. 1947, Ch. 1493.)

16435. The enclosing walls shall extend from the floor of the lowest story served to and including the ceiling of the topmost story served.

Enclosing
walls

(Added by Stats. 1947, Ch. 1493.)

- Access to stairway** 16436. Access to the stairway shall be available at each story level served by the stairway through doors which shall swing in the direction of exit travel.
(Added by Stats. 1947, Ch. 1493.)
- Landing doors** 16437. The doors shall open upon a landing not less in depth than the width of the stairs or not less than 44 inches in any horizontal direction, whichever is the smaller dimension.
(Added by Stats. 1947, Ch. 1493.)
- Hanging of doors** 16438. Doors shall be so hung that when fully open they shall not reduce the usable dimension of the landing by more than eight inches in any direction nor in any way obstruct the stairway.
(Added by Stats. 1947, Ch. 1493.)
- Exit doorways, etc.** 16439. There shall be no openings into exit enclosures except exit doorways and openings in the exterior walls and the roof.
(Added by Stats. 1947, Ch. 1493.)
- Self-closing fire door** 16440. Every exit door in a stairway enclosure shall be a self-closing class "B" fire door.
(Added by Stats. 1947, Ch. 1493.)
- Opening in exterior wall, etc.** 16441. Every opening in an exterior wall forming part of a stairway enclosure shall be protected by a class "E" fire door or window, unless such opening is directly to a street.
(Added by Stats. 1947, Ch. 1493.)
- Label on fire door** 16442. Every fire door shall bear the label of the Underwriters' Laboratories, Incorporated.
(Added by Stats. 1947, Ch. 1493.)
- Door and window material, mounting, etc.** 16443. Installation and mounting of the door and windows and the material used in the windows and in the frame and trim shall be as specified in the National Board of Fire Underwriters' pamphlet No. 80 entitled "Regulations for the Protection of Openings in Walls and Partitions Against Fire," dated January, 1939.
(Added by Stats. 1947, Ch. 1493.)

CHAPTER 14. FIRE ESCAPES

Article 1. Number and Kind Required

- Floor area** 16500. For the purpose of this chapter, floor area includes all the area inside the exterior walls of a building, excluding any area occupied by vent shafts and courts.
- Minimum number** 16501. Every apartment house or hotel more than two stories in height shall have at least one fire escape. However, an exterior stairway constructed in accordance with Section 16414.5 may be installed and computed as a fire escape on or in a wooden apartment house or hotel not more than three stories in height.
(Amended by Stats. 1947, Ch. 1493.)
- Additional: Fireproof building** 16502. If the building is a fireproof apartment house or hotel in which the floor area on any one floor above the second floor exceeds 8,000 square feet, it shall have one additional fire escape for each 7,000, or fractional part of 7,000, square feet of floor area on such floor in excess of the first 8,000 square feet.
(Amended by Stats. 1947, Ch. 1493.)

16503. If the building is a semifireproof or wooden apartment house or hotel in which the floor area on any one floor above the second floor exceeds 6,000 square feet, it shall have one additional fire escape for each 7,000, or fractional part of 7,000, square feet of floor area on such floor in excess of the first 6,000 square feet. Semifireproof or wooden building

(Amended by Stats. 1947, Ch. 1493.)

16504. Any fire escape required by this part in an apartment house or hotel shall be one of the following types: Type of fire escape

- (a) Type 1.
- (b) Type 2.
- (c) Type 3.
- (d) Type 4.
- (e) Type 5.

It shall conform to all the provisions of this chapter relating to its particular type.

Article 2. Location

16520. Every fire escape required by this part for a building shall be so located on the building as to furnish the best means of escape for the occupants. On a semifireproof or wooden apartment house or hotel at least one required fire escape shall be located on a street front. Generally

16521. Every fire escape balcony or vestibule installed on any building shall abut a street or public alley, or open directly on a yard or court having the dimensions specified in this part. Balcony or vestibule

16522. Fire escapes shall be so located that access may be had to a fire escape from the interior of the building for which they are provided through any of the following means: Means of access

(a) A public hallway not less than 44 inches wide.

(b) Directly from each apartment in an apartment house or guest room in an hotel, without having to pass through another apartment or guest room.

(c) A public parlor, public lobby, or similar room connected directly with a public hallway through a clear and unobstructed opening without doors.

(Amended by Stats. 1947, Ch. 1493.)

16523. If any stairway or stairway enclosure mentioned in Article 2 of Chapter 13 or any fire escape is installed in or on any building and terminates at the bottom in a yard or court, there shall be provided a clear and unobstructed passageway not less than three feet in width and not less than seven feet in height leading from the yard or court to a street or alley. Passageway: Dimensions

(Amended by Stats. 1947, Ch. 1493.)

16524. Any portion of the passageway that passes through a building or other structure shall be constructed in accordance with the requirements of Article 2 of Chapter 13 for the construction of stairway enclosures. Construction requirements

(Amended by Stats. 1947, Ch. 1493.)

16525. (Repealed by Stats. 1947, Ch. 1493.)

Door 16526. Every door on any opening in the passageway shall open only in the direction of egress, and shall not obstruct the required width of the passageway.

(Amended by Stats. 1947, Ch. 1493.)

Signs 16527. Signs both pointing toward and marking the locations of stairways and fire escapes shall be placed on each floor of the building for which the stairways and fire escapes are installed.

(Amended by Stats. 1947, Ch. 1493.)

Article 3. Strength and Supports

Platform 16540. Each fire escape balcony platform shall be designed to carry its own dead load, a live load of 100 pounds for each square foot of its area, computed by using outside dimensions, and the live and dead loads from the ladders or stairs supported by it.

Ladder 16541. Each fire escape ladder shall be designed to withstand a horizontal pressure of 100 pounds per square foot.

Load 16542. Each fire escape stairway shall be designed to carry its own dead load and a live load of 150 pounds per square foot of horizontal projection.

Top rail 16543. Each top rail of a fire escape balcony balustrade shall be designed to withstand a horizontal pressure of 100 pounds per lineal foot of railing.

Balcony 16544. Each fire escape balcony shall be independently supported.

Fastenings 16545. The fastenings of a fire escape balcony to a building shall be designed to carry a 25 per cent greater load than the total dead and live loads carried by the balcony. The balcony anchorage shall be direct to the structural steel or iron members of the balcony balustrade and platform, and shall be extended into the walls and anchored into the structural work of the building.

Article 4. Door and Window Openings

Sill level 16560. The level of the inside sill of a door or window in a building giving access to a fire escape balcony shall be not more than 30 inches above the adjoining floor in the building.

Dimensions 16561. The door or window opening shall be not less than 29 inches in clear width, nor less than 58 inches in height.

Type 16562. The window or door openings shall be of a type that will not obstruct the fire escape.

Sash 16563. If double-hung windows are used in the opening, the lower sash shall be at least the size of the upper sash, and shall slide to the top of the opening.

Lock 16564. Any lock on any window opening shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

Article 5. Type 1 Fire Escape

16600. A type 1 fire escape shall be constructed entirely of galvanized metal, and shall have: Generally

(a) A balcony at each story above the first story of the building for which it is provided.

(b) An inclined stairway connecting all balconies.

(c) A gooseneck ladder connecting the topmost balcony to the roof of the building.

16601. The fire escape shall be framed and riveted or bolted together in a solid and substantial manner; and shall be properly supported, braced, and fastened to the outside walls of the building so that it will be rigid, durable, and secure, and able to carry the loads prescribed by this chapter. Support, etc.

16602. The lowest balcony of any fire escape on or in any apartment house or hotel heretofore or hereafter constructed shall be not more than 22 feet above the street or ground level directly under it, and it shall be equipped with a counter-balanced or permanent ladder which reaches the ground. Balcony:
Lowest

(Amended by Stats. 1947, Ch. 1493.)

16603. Every balcony platform shall be fastened to the outside wall of the building by building in and anchoring, or by securely bolting, it and its balustrade framing to the wall. Every balcony shall be supported by brackets, braces, or struts fastened, or built in and anchored, to the walls. Platform

16604. Each balcony shall be not less than 44 inches in width nor less than 33 square feet in area. Width

16605. The balustrade of each balcony shall be not less than 34 inches high, and shall be without any opening greater than eight inches in horizontal dimension. Balustrade

16606. No opening, except the stairway opening, in a balcony platform shall be greater than one inch in width. Opening

16607. The stairway opening in a balcony shall be not less than 21 inches wide, nor less than 40 inches long. Same

16608. The inclined stairway connecting the balconies shall be not less than 18 inches in width, and shall be so placed that it will in no part be nearer than 21 inches from the face of the wall. Connecting
stairway

16609. The stairway shall have an inclination of not less than four and not more than six inches, measured horizontally, to each 12 inches of vertical height. Inclination

16610. The stairway treads shall be not less than four inches wide, and shall be placed not more than 12 inches apart. Treads

16611. Each side of the stairway shall have a handrail not less than one inch in diameter, fastened to the stair stringers and continued around the stairway opening of each balcony platform. Handrail

16612. The gooseneck ladder shall be securely braced and fastened to the outside wall, but shall not pass in front of any opening in the wall to the interior of the building. Ladder:
Bracing

16613. The ladder shall be not less than 15 inches wide. It shall extend vertically from the topmost balcony to a point Width, etc.

three feet above the fire wall or roof, and shall then be brought down and fastened to the inside face of the fire wall or the roof.

Rungs 16614. The rungs of the ladder shall be not less than five-eighths inch round iron or steel, and shall be placed not more than 14 inches apart.

Cornice opening 16615. Any cornice opening for the passage of the ladder shall be not less than 24 inches in width and 24 inches in the clear outside the ladder.

Article 6. Type 2 Fire Escape

Definition 16640. A type 2 fire escape is a type 1 fire escape, except that it has balconies made of reinforced concrete or fireproofed iron or steel, with fastenings of similar material.

Article 7. Type 3 Fire Escape

Definition 16650. A type 3 fire escape is any inclosed, approved, metallic, spiral fire escape, consisting of a rigid form of an inclined chute constructed entirely of incombustible material.

Construction 16651. It shall meet the satisfaction of the enforcement agency as to its being as solid, substantial, durable, and fireproof in construction as a type 1 fire escape.

Attachment 16652. It shall be securely attached to the outside wall of the building for which it is provided.

Ingress and egress 16653. It shall be provided with proper means of ingress from the building, proper means of egress at its bottom, and means of enabling firemen to reach the roof from the ground.

Standpipes 16654. It shall be equipped with standpipes.

Safety and efficiency 16655. It shall provide at least as safe and efficient a means of escape for the occupants of the building as, and shall furnish all the protection and utility afforded by, a type 1 fire escape.

Article 8. Type 4 Fire Escape

Definition 16670. A type 4 fire escape is a fire and smoke tower consisting of a wall-inclosed stairway which:

(a) Extends from the first floor exit level to the roof of the building for which the fire escape is provided, and is not less than 20 inches in width.

(b) Is constructed of reinforced concrete, iron, or steel, or a combination of these materials.

(c) Has one handrail on each side for its entire length.

(d) In all other details conforms to the provisions of this chapter relating to stairways of type 1 fire escapes.

Location 16671. The tower shall be constructed at a point adjoining the exterior walls of the building.

Walls: Materials 16672. The tower shall be entirely inclosed with walls of brick, terra cotta tile, concrete, or reinforced concrete, not less than eight inches thick.

Openings 16673. There shall be no openings in the walls of the tower into the building.

16674. The walls shall extend from the basement to a point three feet above the roof of the building. Extension

16675. There shall be no covering over the tower except a covering constructed of approved incombustible materials and provided with permanent open louvers or other permanent unobstructed openings to the outer air having an aggregate open area equivalent to 50 per cent of the aggregate superficial area of the covering. Covering

16676. The walls of the tower shall not be used to carry or support any floor joist, beam, girder, or other structural feature of the building, nor shall they be chased for any pipe, conduit, or other purpose. Use for support

16677. The tower shall have an exit at the first floor level opening directly to a street or yard, and shall have an entrance by means of an outside balcony at each floor. Exit and entrance

16678. Each balcony shall have a solid floor and, in all other details, shall conform to the requirements for type 1 fire escapes. Balcony: Floor

16679. Each balcony shall be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening from the balcony to the tower. Each door opening shall be not less than 30 inches wide by 72 inches high, and shall be equipped with a class "B" fire door of the type specified in Article 20 of Chapter 13. Location, etc.

(Amended by Stats. 1947, Ch. 1493.)

Article 9. Type 5 Fire Escape

16690. A type 5 fire escape is a type 4 fire escape, except for the deviations permitted by this article. Definition

16691. Instead of an outside balcony at each floor, there shall be a vestibule at each floor with inclosing walls continuous with, and of the same materials and thickness as, the inclosing walls of the tower. Vestibules: Material

16692. The vestibule opening shall be direct from a public hallway, and shall be equipped with metal-covered doors. Opening

16693. The vestibule floor shall be of masonry construction. Floor

16694. The vestibule inclosure shall have an opening at each floor through the exterior wall of the building, extending from the floor to the ceiling and not less in width than three-fourths of the width of the vestibule. The opening shall be protected with an open metallic balustrade similar to that specified for balconies of a type 1 fire escape. Inclosure opening

Article 10. Maintenance and Repair

16705. Every fire escape in or on an apartment house or hotel shall at all times be maintained in good order and repair, be well painted, be kept clear and unobstructed, and be readily accessible. Maintenance and repair

CHAPTER 14.5. FIRE PROTECTION EQUIPMENT

(Ch. 14.5 added by Stats. 1947, Ch. 1493)

Article 1. Fire Alarms

Fire alarm
system

16710. Every apartment house three (3) stories or more in height and containing more than 15 apartments and every hotel three (3) stories or more in height containing 20 or more guest rooms shall have installed therein an approved automatic or manually operated fire alarm system designed to warn the occupants of the building in the event of fire. Such fire alarm system shall be so designed that all occupants of the building may be warned simultaneously.

(Added by Stats. 1947, Ch. 1493.)

Same: Re-
quirements

16710.2. No signal system or intercommunicating system used for any purpose other than fire warning meets with the requirements of this article.

(Added by Stats. 1947, Ch. 1493.)

Installation,
inspection,
etc.

16710.4. Installation, inspection, and maintenance of the fire alarm system shall be according to the standards of the National Board of Fire Underwriters' pamphlet No. 72 entitled "Proprietary, Auxiliary and Local Systems for Watchman, Fire Alarm and Supervisory Service," dated 1941.

(Added by Stats. 1947, Ch. 1493.)

Operating
stations

16710.6. Stations for operating any manually operated fire alarm system shall be placed immediately adjacent to the telephone switchboard in the building, if there is a switchboard, and at such other locations as may be required by the fire department.

(Added by Stats. 1947, Ch. 1493.)

Article 2. Automatic Sprinkler Systems

Automatic
sprinkler
system

16711. Any compartment or room in any apartment house or hotel basement or cellar containing more than 1,800 square feet of floor area, or any basement or cellar compartment or room in such a building used for storing combustible materials, shall be equipped with an automatic sprinkler system of a type designed and installed according to the standards of the National Board of Fire Underwriters' pamphlet No. 13 entitled "Installation of Sprinkler Equipment," dated 1943.

(Added by Stats. 1947, Ch. 1493.)

Same

16711.2. The sprinkler system in an area having less than 1,800 square feet may be attached to a domestic water system if the water supply and pressure conforms to the National Board of Fire Underwriters' standards.

(Added by Stats. 1947, Ch. 1493.)

Exclusions

16711.4. Boiler rooms, central heating rooms, and bank vaults are excluded from this article.

(Added by Stats. 1947, Ch. 1493.)

Article 3. Portable Fire Extinguishers

16712. In every apartment house or hotel portable fire extinguishers shall be provided and placed in accessible and conspicuous locations. Portable fire extinguishers

(Added by Stats. 1947, Ch. 1493.)

16712.2. There shall be at least one (1) two and one-half (2½) gallon extinguisher on each main hallway of every story, and the distance of travel to an extinguisher from any point in the hallway shall not exceed 75 feet. Number and location

(Added by Stats. 1947, Ch. 1493.)

16712.4. In every garage containing storage space for more than three cars, there shall be one (1) two and one-half (2½) gallon extinguisher for the first 1,000 square feet or fraction thereof of storage space, and an additional extinguisher for each 2,000 square feet or fraction thereof. In garage

(Added by Stats. 1947, Ch. 1493.)

16712.6. In every apartment house or hotel paint or spray maintenance room there shall be one (1) two and one-half (2½) gallon extinguisher for each 2,500 square feet of floor area or fraction thereof. In paint or spray room

(Added by Stats. 1947, Ch. 1493.)

16712.8. In every amusement, entertainment, bar, reception, lobby, or public dining room, or public kitchen, or room used for similar purposes fire extinguishers shall be installed and maintained in accordance with the standards of the National Board of Fire Underwriters' pamphlet No. 10 entitled "Installation, Maintenance and Use of First Aid Fire Appliances," dated August, 1938. In public rooms

(Added by Stats. 1947, Ch. 1493.)

16712.10. In lieu of the 2½ gallon extinguishers specified in this article, there may be substituted any other type or size of extinguisher approved by the fire department. Type

(Added by Stats. 1947, Ch. 1493.)

16712.12. Every extinguisher shall be approved by the Underwriters' Laboratories, Inc. Approval

(Added by Stats. 1947, Ch. 1493.)

16712.14. Every extinguisher shall be kept in a serviceable condition at all times. Maintenance

A soda and acid or foam type of extinguisher shall be recharged at least once each year, and the date of recharge shall be placed on an attached tag.

(Added by Stats. 1947, Ch. 1493.)

Article 4. Flame-Retardant Treatment of Decorative Material

16713. Any drapes, hangings, curtains, or similar decorative materials in any amusement, entertainment, bar, reception, lobby, or public dining room, or room used for similar purposes, or along the walls or ceiling of any public hallway, or along the walls or on the soffits of any interior public stairway, in any apartment house or hotel shall be of incombustible material, or Drapes, etc.

shall be treated and maintained in a flame-retardant condition by means of a flame retardant as defined in Section 13115 of this code.

(Added by Stats. 1947, Ch. 1493.)

False
ceilings

16713.2. False ceilings of combustible materials shall not be used in any of the places mentioned in this article.

(Added by Stats. 1947, Ch. 1493.)

CHAPTER 15. COMBINED STAIRWAY AND FIRE ESCAPE

Type 4 or 5
fire escape

16720. A type 4 or type 5 fire escape in an apartment house or hotel may be used as a combined stairway and fire escape, and may be computed as one of the stairways and one of the fire escapes required in the building, if there is at least one other stairway in the building extending from the first or ground floor to the topmost story and constructed in accordance with the provisions of this part.

(Amended by Stats. 1947, Ch. 1493.)

Same: Con-
struction

16720.5. In the event that a type 4 or type 5 fire escape is constructed as a combined fire escape and stairway, it shall conform to the enclosed stairway requirements with respect to landings, width, rise, and run set forth in Sections 16401, 16402, 16403, 16410, 16436, 16437, and 16438.

(Added by Stats. 1947, Ch. 1493.)

16721. (Repealed by Stats. 1947, Ch. 1493.)

CHAPTER 15.5. LOCKING APPLIANCES

(Ch. 15.5 added by Stats. 1947, Ch. 1493)

Door and
window
locks

16730. Every locking appliance on a door or window furnishing required egress from any hotel or apartment house shall be of a type which can be readily opened from the interior of the building without the use of a key or any special knowledge or effort.

(Added by Stats. 1947, Ch. 1493.)

CHAPTER 16. STANDPIPES

Requirement

16740. Every apartment house or hotel four or more stories in height shall have one or more metallic standpipes not less than four inches in internal diameter.

Valves:
Location

16741. Each standpipe shall have a Siamese inlet valve not less than one foot nor more than four feet above the sidewalk or the ground directly under it, and an outlet valve at each story above the first story and on the roof.

Accessibility

16742. One standpipe shall be placed on or in the exterior walls of the building at one fire escape, and each of its outlet valves shall be readily accessible from one end of the fire escape balcony on the story on which the valve is located.

Threading,
size, etc.

16743. The inlet and outlet valves on every standpipe shall be threaded, and shall be of a size that can meet the standard fire equipment connections of the fire department of the locality in which the apartment house or hotel is erected.

The materials used in, and the installation of, the standpipe shall meet with the approval of the enforcement agency.

16743.5. Every apartment house three or more stories in height containing more than 15 apartments and every hotel three or more stories in height containing 20 or more guest rooms, hereafter constructed, shall be equipped with: Wet standpipes, hose, etc.

(a) Wet standpipes and hose in sufficient number so that all parts of every floor can be reached within 20 feet by a nozzle attached to 75 feet of hose.

(b) Pipes of such size and with sufficient water supply to afford two simultaneous streams totaling at least 70 gallons per minute at a pressure during flow of at least 25 pounds per square inch at the highest hose outlet. No standpipe shall be less than 2 inches in diameter for buildings four stories or less in height, nor less than $2\frac{1}{2}$ inches for buildings exceeding four stories in height.

(c) Pipe and fittings of sufficient strength to withstand safely the pressure to which they may be subjected.

(d) Hose valves of approved type and, if the gate type, having suitable open drip connections to prevent leakage into the hose.

(e) Hose kept on an approved rack or reel with its location conspicuously marked by a sign.

(f) Hose of at least $1\frac{1}{2}$ inch size not to exceed 75 feet in length.

(g) Nozzles not exceeding $\frac{1}{2}$ inch in diameter, unless otherwise specified by the fire department.

(h) Standpipes, hose, and their supports so installed as not to obstruct any public hallway, stairway, or any exit.

(Added by Stats. 1947, Ch. 1493.)

16744. The standpipes required by this chapter need not be installed in any apartment house or hotel until such time as it becomes practicable and possible to obtain running water for the efficient use of the standpipes in case of fire. The enforcement agency shall decide whether or not it is possible and practicable to obtain running water. Time of installation

CHAPTER 17. SHAFTS

16770. As used in this chapter, "shaft" means an elevator shaft, a dumb-waiter shaft, or other interior shaft. "Shaft" defined

16771. Every shaft in a fireproof apartment house or hotel shall be inclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile, or other similar hard incombustible material; or in walls constructed of metal studs lathed with metal lath plastered on both sides so as to make a solid partition not less than two inches thick, the metal to be imbedded thoroughly in the plaster. Inclosing walls: Fireproof building

16772. Every shaft in a semifireproof or wooden apartment house or hotel shall be inclosed by the same kind of walls required by this part for a fireproof building; or by walls constructed of wood studs, with firestops between the studs at each floor and half way between each floor, lathed on both Semifireproof or wooden building

sides with metal lath plastered not less than three-quarters of an inch thick.

Door opening 16773. Every opening from any shaft into the building in which the shaft is installed shall be equipped with a metal door, together with a metal door frame and trim, or the door and door frame shall be constructed of wood covered with metal on the shaft side of the door and door frame.

Window 16774. Every window in a shaft or shaft door shall be of wired glass not less than one-fourth of an inch thick, set in a metal sash, or a sash metal-covered on the shaft side of the window.

Closing 16775. Every door or window in a shaft shall close tight, and every door, except an elevator door, in the shaft shall be self-closing.

Skylight 16776. At the roof over every elevator shaft there shall be a ventilating skylight or a ventilator with open louvers to provide ventilation for the shaft.

CHAPTER 18. AIR DUCTS

Air ducts 16800. Every duct used for the transmission of air, whether for ventilating, cooling, or heating purposes, and forming part of any mechanical system of ventilation or air conditioning system, installed in any apartment house or hotel, shall be constructed of either of the following materials:

(a) Approved incombustible materials.

(b) Approved metal not less than number 26 gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

(Amended by Stats. 1947, Ch. 1493.)

CHAPTER 19. VENT SHAFTS

Walls 16820. Every vent shaft in an apartment house or hotel shall be inclosed with walls meeting the requirements of this part for elevator shaft walls in the building.

However, in a semifireproof or wooden apartment house or hotel, the outside or weather side of the vent shaft, and that portion of the shaft extending from the ceiling joists to the top of the building, may be lined with metal in lieu of metal lath and plaster. If metal lining is used in the shaft, the shaft shall be sheathed solid with boards not less than twenty-five thirty-seconds of an inch in thickness.

Plaster 16821. Plaster on the weather side of any vent shaft shall be Portland cement plaster.

Openings 16822. Every opening from any vent shaft into the building for which it is installed, and every window in the shaft, shall be equipped in compliance with the requirements of this part for openings and windows in elevator shafts in the building.

Dimensions: Apartment house 16823. An apartment house vent shaft bounded on one or more sides by a lot line shall be not less than two feet in its least dimension, and not less than 16 square feet in area.

Every other apartment house vent shaft shall be not less than four feet in its least dimension, and not less than 16 square feet in area.

If any apartment house vent shaft exceeds 50 feet in height, measured from the bottom to the top of its walls, it shall throughout its entire height be increased in area one square foot for each additional 10, or fractional part of 10, feet above 50 feet.

16824. An hotel vent shaft shall be not less than 30 inches in its least dimension, and not less than 12 square feet in unobstructed area. Hotel

16825. A dwelling vent shaft shall be not less than three feet in its least dimension. Dwelling

16826. Every vent shaft shall be open and unobstructed to the sky.

16827. A parapet or rail at least 30 inches in height shall be constructed at the roof line of every vent shaft in an apartment house or hotel so that no person may walk or fall into the shaft. Parapet
or rail

16828. Plumbing, gas, steam, or other similar pipes may be placed in vent shafts in apartment houses or hotels. Pipes in
vent shafts

16829. Every vent shaft in an apartment house shall be provided with a door or window at or near its bottom permitting access to the shaft for cleaning purposes. Door or
window

16830. Every vent shaft shall be so arranged that it may be readily cleaned. Cleaning

16831. Every vent shaft in an apartment house or hotel, except an apartment house or hotel not more than two stories in height from the lowest floor used for living and sleeping purposes, shall be provided with an air intake, not less than three square feet in total area, at or near its bottom, communicating with a street, yard, or court. Air intake

16832. The intake may be divided into not more than three separate ducts running between the joists or otherwise. The ducts shall be as nearly horizontal as possible. Ducts

16833. Each intake or duct shall be constructed of approved fire resistive material or of metal, or shall be metal lined. Materials

16834. Each intake or duct shall be provided with a wire screen, having not less than one-inch mesh, at each end. Wire screen

16835. Whenever the end of an intake is capped, hooded, or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of the intake and the lower part of the cap, hood, or other covering. Space

CHAPTER 20. GAS APPLIANCES AND VENTS

(Heading amended by Stats. 1957, Ch. 681)

16900. Every gas burning appliance shall be approved by a nationally recognized testing agency. Every gas burning appliance, except ranges, hot plates, and refrigerators approved by such agencies for unvented use, shall be connected to an effec- Vents or
flues

tive flue or vent leading to the outside air not less in size than the vent collar on the appliance. Vents or flues for all appliances except those with forced draft or sealed combustion chambers shall extend one (1) foot above the highest portion of any building within fifteen (15) feet horizontally of the vent termination. Every vent or flue extending above the roof line shall terminate in a cap with a vent capacity of not less than that of the flue or vent. Appliances with forced draft or sealed combustion chambers shall be vented in accordance with the manufacturer's instructions.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

Chimney:
Construction

16901. (a) The flue, vent, or chimney shall be either a terra cotta patent chimney; or shall be constructed of brick, fire clay, or a similar masonry product, not less than one-half of an inch thick, or a double wall metal pipe or asbestos cement pipe which will give an insulating value equal to a terra cotta patent chimney or a masonry product, and which will not disintegrate from the effects of gas fumes and other products of combustion.

(Amended by Stats. 1957, Ch. 679.)

Internal
area

16902. The internal area of the flue, vent, or chimney shall not be less than 12 square inches. If the flue, vent, or chimney is rectangular in shape, it shall not be less than two inches in any internal dimension.

Gas range:
Venting

16903. A gas range in the kitchen of every building shall be vented by one of the following means:

(a) A flue, vent, or chimney similar to that required by this chapter for gas water heaters, placed in the wall of the kitchen adjacent to the gas outlet and connected with the oven of the gas range.

(b) A ventilator opening in the wall or ceiling approximately over the gas outlet, having an area of not less than six by eight inches and connecting with a ventilating duct of not less than 36 square inches in cross-sectional area leading to the outside air.

(c) An approved system of forced draft ventilation.

Same

16903.1. Gas ranges in buildings hereafter erected shall be ventilated by a vent located approximately over the top surface cooking facilities.

(Added by Stats. 1957, Ch. 682.)

Ducts

16904. Any duct designed for use in connection with any approved system of forced draft ventilation or natural draft ventilating arrangement, installed in any building pursuant to this chapter, shall meet the requirements for ducts in apartment houses or hotels.

Repair

16905. Every gas vent, gas water heater, or other gas appliance shall be maintained in good repair.

Gas burning
appliances

16906. Every gas burning appliance shall be connected to the gas supply piping in a building by approved metal piping, or metal connectors.

(Added by Stats. 1947, Ch. 1493; amended by Stats. 1951, Ch. 1127, and by Stats. 1957, Ch. 680.)

CHAPTER 21. BOILER ROOMS

16950. In every apartment house or hotel every boiler room ^{Boiler installation} or room containing a central heating plant using solid or liquid fuel shall be separated from the rest of the building by approved fire-resistive construction. In such building of three stories or less in height the separation shall be of not less than approved one hour fire-resistive construction. In such building of more than three stories in height the separation shall be of not less than approved three hour fire-resistive construction.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

16951. (Repealed by Stats. 1951, Ch. 1127.)

16952. (Repealed by Stats. 1951, Ch. 1127.)

16953. The floor of the room shall be of incombustible ^{Floor} material.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

16954. (Repealed by Stats. 1951, Ch. 1127.)

16955. (Repealed by Stats. 1951, Ch. 1127.)

16956. (Repealed by Stats. 1951, Ch. 1127.)

16957. The room shall have a masonry sill across each door ^{sill} opening not less than four inches high, over which the doors shall lap by at least three inches; or shall have a steel or iron sill across each door opening, on the top of which the bottom of the door shall close tight. Every swinging door shall open outward from the room.

(Amended by Stats. 1939, Ch. 477.)

16958. (Repealed by Stats. 1951, Ch. 1127.)

16959. Oil or other liquid fuel burned in the room shall ^{Oil feed} not be fed by a gravity flow unless the apparatus is equipped with an approved automatic control.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

CHAPTER 22. GARAGES

Article 1. General Provisions

17000. No automobile or other motor vehicle shall be placed, or stored, or repaired in any portion of an apartment house or hotel except in a garage which meets the requirements of this chapter. ^{General prohibition}

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

17000.1. For the purpose of this chapter:

^{Definitions}

(a) A private storage garage is a space in an apartment house or hotel in which only motor vehicles used by the tenants of the building are placed or stored and the floor area is limited to two thousand (2,000) square feet.

(b) A public storage garage is a space in an apartment house or hotel in which motor vehicles are placed or stored and in which the floor area exceeds two thousand (2,000) square feet.

(c) A repair garage is a space in an apartment house or hotel in which motor vehicles are repaired.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Private
storage
garage

17000.2. A private storage garage in an apartment house or hotel shall be separated from the rest of the building by not less than approved one-hour fire-resistive construction.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Public
storage
garage

17000.3. A public storage garage or repair garage in an apartment house or hotel shall be separated from the rest of the building by not less than approved three-hour fire-resistive construction.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Floors

17000.4. Garage floors shall be of incombustible material.

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

Machine or
battery shops

17001. No portion of any apartment house or hotel shall be used as a machine shop, or a battery repair shop unless it meets the requirements of this chapter for a repair garage.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

Space
beneath
rear yard

17002. No automobiles shall be stored in a space beneath a rear yard of an apartment house, except automobiles owned by the tenants or occupants of apartments within the building.

Article 2. (Repealed by Stats. 1951, Ch. 1127)

17020. (Repealed by Stats. 1951, Ch. 1127.)

17021. (Repealed by Stats. 1951, Ch. 1127.)

17022. (Repealed by Stats. 1951, Ch. 1127.)

17023. (Repealed by Stats. 1951, Ch. 1127.)

Article 3. (Repealed by Stats. 1951, Ch. 1127)

17040. (Amended by Stats. 1939, Ch. 477; repealed by Stats. 1951, Ch. 1127.)

17041. (Repealed by Stats. 1951, Ch. 1127.)

17042. (Repealed by Stats. 1951, Ch. 1127.)

17043. (Repealed by Stats. 1951, Ch. 1127.)

17044. (Repealed by Stats. 1951, Ch. 1127.)

17045. (Repealed by Stats. 1951, Ch. 1127.)

Article 4. (Repealed by Stats. 1951, Ch. 1127)

17060. (Repealed by Stats. 1951, Ch. 1127.)

17061. (Repealed by Stats. 1951, Ch. 1127.)

17062. (Repealed by Stats. 1951, Ch. 1127.)

Article 5. Ventilation

17080. Every garage in a building shall be provided with ventilation meeting the requirements of this article. Ventilation

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

17080.1. A private storage garage with an opening into an apartment house or hotel shall be equipped with fixed louvered or screened openings or exhaust ventilation with exhaust openings located within six inches (6") of the floor. The clear area of the louvered openings or of the opening into the exhaust ducts shall be not less than sixty (60) square inches per car stored in such private storage garage. Under no circumstances shall a garage have any opening directly into a room used for sleeping purposes. Exhaust openings

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17080.2. A public storage garage or a repair garage shall be provided with mechanical exhaust ventilation sufficient to produce one complete change of air every 15 minutes. Such exhaust ventilation shall be taken from a point at or near the floor level. Mechanical exhaust ventilation

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17080.3. Any person in charge of a building or garage in which a mechanical exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in the garage for which it is provided is not completely changed within the specified interval is guilty of a misdemeanor. Violation:
Penalty

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17081. (Repealed by Stats. 1951, Ch. 1127.)

17082. (Repealed by Stats. 1951, Ch. 1127.)

17083. (Repealed by Stats. 1951, Ch. 1127.)

17084. (Repealed by Stats. 1951, Ch. 1127.)

17085. Each ventilation outlet shall lead directly to a free and unobstructed circulation of air; but shall not lead into any inner court. Circulation of air

17085.5. In a public storage garage or in a repair garage not exceeding an area of five thousand (5,000) square feet, the enforcement agency may authorize the omission of such ventilating equipment where in the agency's opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation. Exemption

(Added by Stats. 1951, Ch. 1127. See note following Section 15000.)

17086. (Repealed by Stats. 1951, Ch. 1127.)

17087. (Repealed by Stats. 1951, Ch. 1127.)

Exhaust fan
outlet

17088. The fan discharge from a mechanical exhaust system shall be taken to a point above the roof of the building or to the outer air at a point not less than 10 feet from any window in the building in which the garage is located, or in any adjoining building.

(Amended by Stats. 1951, Ch. 1127. See note following Section 15000.)

CHAPTER 23. DORMITORIES

General
requirements

17151. Every dormitory constructed, altered, or converted in any building shall meet the requirements of this chapter.

Accommo-
dations

17152. No dormitory shall contain sleeping accommodations for more than 20 persons, nor shall any dormitory be so overcrowded as to be inconsistent with the requirements of this part for cubic air space in rooms used for sleeping purposes.

Ceiling
height

17153. A dormitory shall have a clear ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

Beds:

17154. In a dormitory there shall be permitted not more than two (2) tiers of beds.

Tiers

In a dormitory having a double tier of beds, one tier above the other, there shall be at least:

(a) Three feet of clear vertical space between beds, or tiers of beds.

(b) Three feet of horizontal space between beds.

(c) One foot of clear space between the floor of the dormitory and the under side of the first tier of beds, if there is more than one tier.

(Amended by Stats. 1957, Ch. 334.)

Frames

17155. The frames of beds in every dormitory shall be made of steel, iron, or some other hard, smooth, incombustible, and nonabsorbent material.

17156. (Repealed by Stats. 1957, Ch. 334.)

Dormitory
erected prior
to August
17, 1923

17157. Every existing dormitory erected prior to August 17, 1923, shall meet the requirements of this part relating to the number of persons and cubic air space. If the housing department issues a certificate of occupancy for any dormitory erected prior to August 17, 1923, which is found by the department to be sanitary and fit for human occupancy, the certificate shall be final as to the existing structural features and arrangement of the dormitory at the time the certificate is issued, and the dormitory may be used for human habitation.

CHAPTER 24. BUILDING CONSTRUCTION GENERALLY

Article 1. Details of Construction

Generally

17250. Every building shall be constructed in a safe and substantial manner.

Shelter

17251. Every dwelling shall be so constructed as to provide shelter to the occupants against the elements and exclude dampness in inclement weather.

17252. The materials used in the construction of a building shall be of substantial and approved stock. Materials

17253. (Repealed by Stats. 1947, Ch. 1493.)

17254. The floor of a kitchen or other room in an hotel in which food is stored or prepared shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick, or by a layer of sheet tin, iron, or similar material. Kitchen floor

17255. A bakery or place of business in which fat is boiled shall not be constructed or maintained in any apartment house, unless the ceilings and side walls of that part of the bakery or place of business in which fat is boiled are made of approved fire resistant materials, with no openings connecting into, and so separated and arranged as to prevent odors from entering, the building. Bakery

17256. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads. Bearing portions

17257. Each floor in a building shall be constructed to sustain safely a live load of not less than 40 pounds to each square foot. Live load:
Floor

17258. Each roof of a building shall be constructed to sustain safely a live load of not less than 20 pounds to each square foot. Roof

17259. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice. Weights and stresses

17260. The wooden studs in every bearing wall and partition in an apartment house or hotel shall be not less than two by four inches; but in an apartment house or hotel that exceeds two stories in height, the wooden studs in every bearing wall and partition below the top two stories shall be not less than two by six inches. The studs shall be spaced not more than 16 inches center to center, except when, together with plates, they are designed as a system of columns and beams. Wooden studs:
Dimensions

17261. All wooden stud walls and partitions in an apartment house or hotel shall be effectively fire stopped at the floors and ceilings and at the spring line of a cove in a coved ceiling, so as to form an effective fire barrier between stories, and between a top story and the roof or attic space. They shall also be fire stopped between floors and ceilings in such manner that there will be no concealed air space with a dimension greater than seven feet. Fire stopping

17262. The fire stopping in wooden stud walls and partitions in apartment houses and hotels shall consist of not less than two-inch material, and shall be as thick as the stud. Plates, braces, and other members which fulfill the function of fire stopping may be considered such. Same

Angle
bracing

17263. Each wooden stud wall and partition in an apartment house or hotel shall be thoroughly and effectively angle braced at each corner and at least once in each 25 feet of its length. However, diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle bracing. If the membrane used is metal lath and plaster, the wall or partition shall be plastered with Portland cement plaster not less than three-quarters of an inch thick, back-plastered between the studs not less than one-half of an inch thick in an approved manner, so as to imbed thoroughly the metal lath in the plaster. The metal lath shall weigh not less than three and four-tenths of a pound per square yard.

Floor joist
space

17264. The space between wooden floor joists in an apartment house or hotel, over each bearing partition or wall and at the exterior walls, shall be blocked solid the full depth of the joists with blocks not less than two inches thick.

Ceiling
joist
support

17265. Joists supporting plastered ceilings in an apartment house or hotel shall be so proportioned that their deflection under full live and dead loads, exclusive of the weight of plaster, shall not exceed one three-hundred-and-sixtieth of the span length of the joists.

Bearing
support
notching

17266. No floor joist or other bearing support in an apartment house or hotel shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

Cross-
bridging

17267. Every span of wooden floor joists in an apartment house or hotel shall be cross-bridged with cross-bridging of not less than two inch by three inch material, at intervals not more than eight feet apart. A bearing partition, wall, girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of a cross-bridging.

Lumber
dimensions

17268. All dimensions of lumber mentioned in this part shall be substantially the dimensions of the lumber when manufactured from the log, subject, however, to customary slight variations.

Dimension
reduction

17269. The dimensions of lumber used in a building may be reduced by the processes of seasoning and surfacing to customary commercial sizes. Lumber reduced to customary commercial sizes by seasoning and surfacing processes will fulfill the requirements of this part.

Unit stresses for surfaced lumber shall be computed on the basis of the actual net section.

Article 2. Fireproof Buildings

Load or
stress trans-
mission

17280. All the exterior and interior loads or stresses in a fireproof building shall be transmitted to the foundation by means of concrete, reinforced concrete, brick, or stone; or by means of a skeleton framework of steel, iron, or reinforced concrete, or a combination of such materials.

17281. The exterior walls, inner court walls, and roof of a fireproof building shall be constructed of concrete, reinforced concrete, brick, stone, or terra cotta or concrete tile. Exterior walls

17282. All the structural steel or iron in a fireproof building shall be thoroughly fireproofed by concrete, cement plaster, tile, brick, or sandstone, not less than two inches thick. Structural steel

17283. Every interior partition in a fireproof building shall be constructed of terra cotta or concrete tile or blocks, gypsum blocks, brick, concrete, reinforced concrete, metal studs lathed with metal lath plastered not less than three-quarters of an inch thick, or wire glass not less than one-fourth of an inch thick set in metal frame and sash. Interior partition

Nothing in this section minimizes the requirements of Article 2 of Chapter 13 or of Section 16524 of this part.

(Amended by Stats. 1947, Ch. 1493.)

17284. Every other portion of a fireproof building shall be constructed of approved fire resistant or incombustible material, except that: Other parts of buildings

(a) The glass in interior windows, transoms, or doors not opening into public hallways or passageways may be plain glass.

(b) The doors, frames, sash, and the usual trim of rooms, hallways, corridors, and passageways may be of wood.

(c) Wood floors may be placed over floors constructed of incombustible materials, except in the stairways, public hallways, public kitchens, or food storage rooms.

Nothing in this section minimizes the requirements of Article 2 of Chapter 13 or of Section 16524 of this part.

(Amended by Stats. 1947, Ch. 1493.)

Article 3. Semifireproof Buildings

17300. Except as otherwise permitted by this part in the case of walls of inner courts and vent shafts surrounded on four sides by the same building, all exterior walls in a semifireproof building shall be constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile, or similar approved fire resistant or incombustible materials. Exterior walls

(Amended by Stats. 1939, Ch. 477.)

17301. The roof of every semifireproof building shall be constructed of approved incombustible materials, or shall be well covered with composition fire resistant or fire retardant materials. Roof

17302. The usual trim of rooms, hallways, finished floors, windows, doors, and frames in a semifireproof building may be of wood, and the glass in windows and doors may be plain glass, except as otherwise prescribed in this part. Trim, frame, glass

17303. In every semifireproof apartment house or hotel three or more stories in height, all the interior walls, partitions, ceilings, soffits of stairways, and stairwells shall meet the requirements for similar portions of fireproof buildings; or may be of wooden construction and lathed with metal lath plastered not less than three-fourths of an inch thick. In excess of two stories

All stairway enclosures shall meet the requirements of Article 2 of Chapter 13 of this part.

(Amended by Stats. 1947, Ch. 1493.)

Two or less
stories

17304. In every semifireproof apartment house or hotel not exceeding two stories in height, all the walls, partitions, and ceilings of public hallways, soffits of stairways, stairwells, and the ceilings of basements or cellars shall meet the requirements for similar portions of semifireproof buildings three or more stories in height.

(Amended by Stats. 1947, Ch. 1493.)

Article 4. Wooden Buildings

Foundation:
Materials

17320. Unless it is impracticable because of soil conditions, every wooden apartment house or hotel shall have a masonry foundation composed of hard incombustible materials.

Footings

17321. The footings of the foundation shall not be less than 12 inches wide at their bottoms, nor shall the footings of the foundation walls be less than 12 inches below the surface of the adjoining ground levels.

(Amended by Stats. 1947, Ch. 1493.)

Walls

17322. The foundation walls shall not be less than six inches wide at their tops, and shall extend at least six inches above the adjoining ground levels.

Width

17323. The width of the foundation walls and footings shall be increased whenever necessary to support additional loads transmitted to them.

Stair-
ways, etc.

17324. In every wooden apartment house designed and built to accommodate three or more families above the first story, and in every wooden hotel designed and built to accommodate six or more guests above the first story, the walls, partitions, and ceilings of public hallways, the soffits of interior stairways, the stairwells, and the ceilings of basements and cellars shall meet the requirements for similar portions of semifireproof or fireproof buildings; or shall be lathed with metal lath plastered not less than three-quarters of an inch thick.

(Amended by Stats. 1947, Ch. 1493.)

Construction
materials,
etc.

17324.5. Except where other more restrictive provisions of this part apply or more resistive construction is used, all partitions, walls, and ceilings in wooden apartment houses and hotels three stories in height shall be lathed with metal lath plastered not less than three-fourths of an inch thick.

(Added by Stats. 1947, Ch. 1493.)

Article 5. Plasterboard

Use in lieu
of metal lath

17340. Plasterboard of an approved type, composed of 75 per cent of noninflammable materials, not less than three-eighths of an inch thick, and provided with a mechanical key bond on its face, may be used in lieu of metal lath in any case

where metal lath is specified in this part, except where it is apparent that metal lath only is permitted.

(Amended by Stats. 1939, Ch. 477.)

17341. Not less than three-eighths of an inch of plaster shall be applied on the plasterboard in a thorough workmanlike manner. If the plasterboard is used on the weather side of exterior walls, or the weather sides of the walls or partitions of courts, shafts, or vent shafts, a reinforcement of metal lath or redipped or galvanized wire mesh of not less than number 18 gauge shall be applied on the plasterboard before it is plastered.

Application
of plaster,
etc.

CHAPTER 25. PLUMBING FIXTURES

Article 1. General Provisions

17450. Every plumbing fixture installed in any building shall be provided with running water.

Running
water

17451. Any water-closet, bath, shower, sink, slop-sink, faucet, or other plumbing fixture required by this part in any building need not be installed until it becomes practicable and possible to obtain running water and proper means of sewage disposal.

Installation

17452. The enforcement agency shall in every case determine whether or not it is practicable and possible to provide running water and proper means of sewage disposal, and if it decides that it is not, shall issue a special permit in writing authorizing the noninstallation of required plumbing fixtures. The permit shall be made in duplicate, and a copy shall remain on file with the enforcement agency.

Noninstalla-
tion permit

17453. When a permit authorizing the noninstallation of a water-closet is issued, a privy or toilet other than a water-closet for the deposit of fecal matter, urine, or sewage may be installed. It shall consist of a pit at least three feet deep, covered by a shelter sufficient to afford privacy and protection from the elements. Openings in the shelter shall be inclosed by metal mosquito screening, and the door to the shelter shall close automatically by means of a spring or other device.

Privy

17454. The privy pit shall not be allowed to become filled with excreta to a point within one foot from the surface of the ground. The excreta in the pit shall be covered with earth, ashes, lime, or other similar substance at regular intervals.

Privy pit

The pit shall be maintained in a sanitary condition.

17455. When a connection with a sewer becomes possible, any privy installed pursuant to this article shall be completely removed; the place where it was located shall be properly disinfected; and it shall be replaced by one or more individual water-closets meeting the requirements of this part relating to water-closets in buildings other than those erected prior to August 17, 1923.

Removal
of privy

17456. Every plumbing fixture affecting the sanitary drainage system of any building shall be properly connected with

Sewer
connection

a street sewer, ready to receive connections, in the street abutting the lot on which the building is located.

Cesspool connection

17457. If it is impracticable to connect a plumbing fixture affecting the sanitary drainage system with a street sewer, sewage or waste may be disposed of by connecting and draining the fixture into a cesspool constructed to the satisfaction of the enforcement agency, or may be disposed of by some other means satisfactory to the enforcement agency, until such time as it becomes practicable and possible to connect with a street sewer.

Trap

17458. In every building each plumbing fixture connected to the sanitary drainage system shall be provided with a water sealed trap.

Vent pipe: Connection

17459. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it.

Termination

17460. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes.

Cleanouts

17461. Suitable cleanouts shall be placed at convenient points in the plumbing system of every building.

Gas and water lines

17462. Every gas and water service line hereafter installed or replaced shall be made of steel, iron, lead, copper, brass, asbestos cement, or approved plastic, and shall include a suitable shutoff valve or cock, which is located where it will be accessible at all times, outside the structure served between the structure and gas or water main from which the service is supplied; provided, however, the provisions of this section shall not apply to piping or equipment installed by or under the control or maintenance of a gas or water utility on the supply side of the inlet piping of the structure being served.

(Amended by Stats. 1959, Ch. 1609.)

Other connections

17463. Every other plumbing connection in any building shall be made of standard lead, iron, cast iron, steel, or brass. A house sewer connection, however, may be made of cast iron, vitrified clay, machine-made glazed cement pipe, or standard or extra heavy galvanized iron or steel.

Inclosure

17464. No water-closet, slop-sink, or lavatory shall be inclosed with woodwork. The space under and around it shall be left open.

Repair

17465. The floor and wall surface beneath and around every water-closet, slop-sink, or lavatory shall be maintained in good repair, and if constructed of wood, shall be well painted with a light colored paint of sufficient body to make it nonabsorbent.

Replacement

17466. Whenever any plumbing fixture becomes insanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part.

17467. Lavatories or wash basins provided with hot and cold water shall be installed in every water-closet compartment in each hotel or apartment house. If there is more than one water-closet, lavatories shall be provided on a basis of not less than one lavatory for each three, or fractional part of three, water-closets in the compartment.

Lavatories,
etc.

(Added by Stats. 1947, Ch. 1493.)

Article 2. Water-closets in Buildings Erected Prior to August 17, 1923

17480. The provisions of this article are applicable only to buildings erected prior to August 17, 1923.

Scope of
article

17481. At least one water-closet shall be installed in a separate compartment on a public hallway in an apartment house for every three, or fractional part of three, apartments on the same floor as the hallway which are not provided with private water-closets.

Apartment
house

If two or more water-closets on a public hallway are required by this section, one of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

17482. If there are rooms for more than one sex on any floor of any hotel, at least one water-closet for each sex shall be installed in a separate compartment on a public hallway on the floor. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."

Hotel

(Amended by Stats. 1947, Ch. 1493.)

17483. If there are more than 12 guest rooms on a floor of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every 12, or fractional part of 12, guest rooms on the floor which are not provided with private water-closets.

Same

17484. The housing department may exempt any apartment house or hotel from having the number of water-closets required by this article for either of the following reasons:

Exemption

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

(b) It is impracticable to install the water-closets because of structural features in the building.

The housing department has no authority under this section to exempt any portion of an apartment house or hotel added on after August 17, 1923, from having the number of water-closets required by this article.

17485. Every water-closet installed after August 17, 1923, in a building erected prior to that date shall meet the requirements of this chapter relative to a water-closet installed in a building erected after August 17, 1923. The compartment in which it is installed shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency.

Subsequent
installation

Article 3. Water-closets in Buildings Erected After August 17, 1923

- Apartment house** 17501. One water-closet shall be installed in a separate compartment, or in a compartment with a bath tub, shower, or lavatory, within each apartment in an apartment house for the exclusive use of the occupants of the apartment.
- Access** 17502. If any apartment in an apartment house contains three or more rooms, excluding any bath room, it shall be so arranged that a person may have access to a water-closet compartment without having to pass through any bedroom.
- Hotel** 17503. If there is more than one sex on a floor of an hotel, at least one water-closet for each shall be installed in a separate compartment on a public hallway on the floor. One of the water-closets shall be distinctly marked: "For Men"; and one shall be distinctly marked: "For Women."
- Same** 17504. If there are more than 10 guest rooms on a floor of an hotel, at least one water-closet shall be installed in a separate compartment on a public hallway on the floor for every 10, or fractional part in excess of 10, guest rooms on the floor which are not provided with private water-closets.
- Access** 17505. Each water-closet on a public hallway in an hotel shall be accessible through the hallway from, and shall not be more than 100 feet distant from the entrance door of, each guest room it serves.
- Employees** 17506. One water-closet for each 20, or major fraction of 20, employees shall be installed in a convenient and suitable place in each hotel.
- Dwelling** 17507. One water-closet shall be provided for each family living in a dwelling.
- Door** 17508. Every water-closet compartment shall be equipped with a full door, properly hung and provided with a lock or locking bolt.
- Opening** 17509. No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is stored or prepared.
- Walls** 17510. The walls inclosing a water-closet compartment in an apartment house or hotel shall be well plastered or constructed of a nonabsorbent material, but the ordinary wood trim for openings may be used in the compartment.
- Floor** 17511. The floor of every water-closet compartment in an apartment house or hotel shall be made waterproof with asphalt, tile, marble, terrazzo cement, or other similar non-absorbent material, extending not less than two inches upward on the walls of the compartment.
- Bowl and seat** 17512. Every water-closet shall have an earthenware bowl. It shall also have an earthenware seat integrated with the bowl; or may have attached directly to the bowl, a wooden seat made nonabsorbent with varnish or enamel, or a seat made of some nonabsorbent material.

Article 4. Bathtubs and Showers in Buildings Erected
Prior to August 17, 1923

17530. This article applies only to buildings erected prior to August 17, 1923. Scope

17531. At least one bath tub or shower shall be installed in a separate compartment on each floor of an apartment house for every five, or fractional part of five, apartments on the floor which are not provided with private baths or showers. Apartment house

17532. At least one bathtub or shower shall be installed in a separate compartment on a public hallway in an hotel for every 20, or fractional part of 20, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway. Hotel

17533. Any room or compartment in which a bathtub or shower is installed in compliance with this article shall be provided with ventilation to the outer air in a manner satisfactory to the enforcement agency. Ventilation

17534. The enforcement agency may exempt any apartment house or hotel from full compliance with this article for either of the following reasons: Exemption

(a) The exemption will not result in detriment to the health of the occupants or to the sanitation of the building or its premises.

(b) It is impracticable to comply fully with this article because of structural features in the building.

The enforcement agency has no authority under this section to exempt from the provisions of this article any portion of an apartment house or hotel added on after August 17, 1923.

Article 5. Bathtubs and Showers in Buildings Erected
After August 17, 1923

17551. One bathtub or shower with hot and cold running water shall be installed in a separate compartment on each floor of an apartment house for every three, or fractional part of three, apartments on the floor which are not provided with private baths or showers. The bathtub or showers shall be accessible from each apartment it serves through the public hallway. Apartment house

(Amended by Stats. 1947, Ch. 1493.)

17552. At least one bathtub or shower provided with hot and cold water shall be installed in a separate compartment on a public hallway in an hotel for every 10, or fractional part of 10, guest rooms on the same floor as the hallway which are not provided with private baths. Each bathtub or shower shall be accessible from each guest room it serves through the public hallway. Hotel

17553. The doors, walls, and floor of every bath or shower room or compartment in an apartment house or hotel shall meet the requirements of this part pertaining to the doors, walls, and floors of water-closet compartments in the building. Doors, etc.

Article 6. Sinks and Faucets

- Kitchen sink** 17580. At least one kitchen sink shall be installed within each apartment in an apartment house.
- Same** 17581. A kitchen sink shall be installed in each kitchen in a dwelling.
- Prohibition** 17582. No wooden wash-tray or wooden kitchen sink shall be installed in any building.
- Space** 17583. The space underneath any sink or wash-tray in any building shall not be so inclosed as to prevent its ventilation or inspection.
- Closure** 17584. A door, panel, or other closure may be provided in the front or around any side of the space underneath the sink or wash-tray; but no front closure shall be nailed or otherwise permanently fixed in position, and every front closure shall be so installed that at least 20 per cent of the front area of the space is left available for ventilation.
- Faucets** 17585. Faucets with running water, sufficient in number to wash all yards, courts, and passageways, shall be installed in every apartment house or hotel.

CHAPTER 26. PROHIBITED BUILDING OR ROOM USES

- Cooking** 17700. It is unlawful for any person to cook or prepare food, or to permit another person to cook or prepare food, in any bath, shower, slop-sink, toilet room, water-closet compartment, or in any other portion of a building in which, in the judgment of the enforcement agency, the cooking or preparation of food is detrimental to the health of the occupants or the proper sanitation of the building.
- Same** 17701. Food shall not be cooked or prepared in an hotel except in a kitchen or other room designed for that purpose.
- Sleeping** 17702. It is unlawful for any person to use, or to permit another person to use, any of the following portions of a building for sleeping purposes:
- (a) Any kitchen, cellar, hallway, watercloset, bath, shower compartment, or slop-sink room.
 - (b) Any other room or place which does not comply with the provisions of this part, or in which, in the judgment of the enforcement agency, sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition; a want of light, windows, ventilation, or drainage; dampness; or offensive, obnoxious, or poisonous odors in the room or place.
- No provision of this part shall be construed to prohibit the installation or construction in a room used for sleeping purposes in an apartment house of an approved cabinet unit built entirely of incombustible and nonabsorbent material, which unit shall contain an electric cooking appliance and a kitchen sink and may or may not include a refrigerator. The sink shall be an integral part of the cabinet, connected to the plumbing system, and provided with hot and cold running water. Any city, city and county, or county may enact an ordinance to

regulate or prohibit the installation, maintenance or use of such cabinet unit in any room other than a kitchen.

(Amended by Stats. 1951, Ch. 505, and by Stats. 1955, Ch. 85.)

17702.5. Every partition in a building separating a kitchen Partitions from a room used for sleeping purposes shall extend to the ceiling or, if there is no ceiling, to the roof. Any opening in the partition shall be provided with a standard door; provided, however, that a wall or partition opening not exceeding three feet in width and seven feet in height shall be construed as sufficient separation between any portion of a sleeping room and any other portion thereof that is used for kitchen purposes.

(Added by Stats. 1947, Ch. 1493; amended by Stats. 1951, Ch. 505.)

17703. No amusement, entertainment, reception, public Same dining, or similar room in any building, shall be used for sleeping purposes, unless it meets all the requirements for sleeping rooms.

17704. No portion of any apartment house or hotel shall be Paint shop, etc. used as a paint shop, as a gasoline or oil service station or store or anything similar, or as a vulcanizing shop.

Any portion of any apartment house or hotel that is used as a place where liquid paints or their volatile liquid mixing components or other volatile flammable liquids are mixed, handled, stored, processed or dispensed, having containers of such materials either opened or unopened, with a unit capacity exceeding five gallons and an aggregate capacity of such containers exceeding 400 gallons (except that not in excess of five unopened drums of liquid paints with an aggregate capacity not exceeding 275 gallons shall be exempt from the provisions of this section) shall have all the walls and floors of the area and all doors in interior separating partitions constructed as specified in Chapter 21 of this part. Any openings other than door openings in interior separating partitions shall be protected in the same manner as required for doors in Chapter 21. Interior separating partitions shall be constructed as required for walls and the ceiling of the area shall be constructed of masonry not less than three inches thick.

(Amended by Stats. 1st Ex. Sess. 1946, Ch. 55, and by Stats. 1947, Ch. 1493.)

17704.1. Any portion of any apartment house or hotel: Same

(a) Where liquid paints or their volatile liquid mixing components, or other volatile flammable liquids are mixed, handled, stored, processed, or dispensed, having open containers of such materials, with an aggregate capacity not exceeding 400 gallons; or (b) Where there are unopened sealed containers of the materials referred to in subdivision (a) of this section, which have a capacity of five gallons or less (except that there may be not to exceed five unopened drums of liquid paints with an aggregate capacity of 275 gallons); shall have all exterior walls and any interior separating partitions constructed of not less fire resistive material than metal lath and three-fourths of an inch

of plaster on both sides of studs. The ceiling of such area shall be not less fire resistive than a double ceiling of metal lath only, each application of metal lath to be covered with not less than three-fourths of an inch of plaster and the lower ceiling to be furred down so that there will be a space of not less than one and one-half inches between the ceilings.

The floor of the area shall be of masonry not less than two inches thick and all doors and window openings in interior separating partitions shall be protected in the manner required for door and window openings by Chapter 21 of this part. Any occupancy referred to in subdivision (b) of this section that was in existence at the time the section became effective shall be exempt from the provisions thereof, provided that in the event of alteration or change of use or occupancy such alteration or change shall comply with all requirements of this part.

No stairway, elevator shaft, or other vertical opening shall directly connect any occupancy referred to in this section or Section 17704 with any other portion of an apartment house or hotel.

No skylight in any occupancy referred to in this section or Section 17704 shall open on to a court or vent shaft.

Any portion of any compartment or room containing an occupancy referred to in Section 17704 or subdivision (a) of this section, in which flammable liquids having a flashpoint below 200 degrees Fahrenheit, as determined by the closed cup tester, are processed, mixed, dispensed, or handled in other than sealed containers, or in which explosive or flammable vapors are generated, shall be provided with mechanical or adequate natural ventilation which will effectively remove explosive or flammable concentrations from all portions of the room or compartment.

Electrical wiring, fixtures and equipment installed or used in any occupancy referred to in Section 17704 or subdivision (a) of this section shall be in accordance with the requirements of the "Electrical Safety Orders" of the State of California for Class 1-A Hazardous Locations.

The provisions of this section or Section 17704 shall not apply to any room or area in any portion of any apartment house or hotel building devoted to the retail storage, sale or use of any of the volatile flammable liquids referred to in this section for pharmaceutical, medicinal, tonsorial and similar purposes; provided that such volatile flammable liquids are used or dispensed from containers not exceeding one gallon in capacity.

The provisions of this section shall not apply to the storage or use of an amount of liquid paints or their volatile liquid mixing components as would be necessary for maintenance purposes of the building in which they are kept; provided, that if the enforcement agency determines that such storage or use of such materials creates a fire hazard or other condition detrimental to health or safety the enforcement agency may require that such materials be stored in cabinets constructed of incom-

bustible material satisfactory to the agency or may require compliance with the applicable provisions of this section or Section 17704.

(Added by Stats. 1st Ex. Sess. 1946, Ch. 55.)

17705. Any room which was in existence on August 17, 1923, and which is, or is designed or intended to be, occupied for sleeping purposes by but one person shall contain not less than 500 cubic feet of air space. Air space

It is unlawful to use or permit another person to use for sleeping purposes any room constructed after August 17, 1923, that does not contain at least 630 cubic feet of air space.

17706. If any room is occupied by more than two persons, Same the minimum required cubic air space of the room shall be increased by not less than 500 cubic feet for each person in excess of two that the room is designed, built, intended to, or does accommodate for sleeping purposes.

17707. No part of any room in any apartment house or hotel shall be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device for any purpose contrary to any of the provisions of this part. Subdivision.
etc.

17708. This part does not prevent the installation, maintenance, or use of a hot plate in a room of any building which is occupied, or is ready for occupancy, on the effective date of this section, if: Hot plates
in rooms

(a) The hot plate will be, or is, used solely for the cooking or preparation of meals for consumption solely by not more than two occupants of the room.

(b) The hot plate contains not more than two burners or heating elements, and has been approved by an approved agency.

(c) The installation, maintenance, or use of a hot plate will not be, or is not, hazardous to life or property.

(d) The hot plate rests on its own legs, is set not closer than six inches from any wall or projection thereof, and rests on an impervious surface.

(e) The walls behind and adjacent to the hot plate are lined or backflashed with incombustible material equivalent to one-fourth-inch asbestos millboard; the backflashing extends from 12 inches below to 24 inches above the base of the hot plate; and there is 36 inches of clear and unobstructed space above the surface of the hot plate.

(f) The area of such room is not less than 120 square feet in superficial floor area.

(g) The room contains an approved sink with hot and cold running water.

(h) All plumbing in the room complies with Chapter 25 (commencing at Section 17450) of this part.

(i) An approved storage cabinet is installed in the room wherein all food, dishes, and cooking and eating utensils are stored when not in use.

(j) The bed, and any drapes, curtains, towels, or other readily combustible materials, in the room are located so that they do not come in contact with the hot plate.

(k) The room complies with the provisions of this part pertaining to window area, ventilation, ceiling height, and cubic air space.

(l) An approved method of heating is installed in or for the room and the hot plate is not used for the purpose of heating the room or installed within an unventilated area.

(m) Toilet and bath facilities are installed and maintained in the building as required by this part.

Such installations in a sleeping room shall not constitute a room in which food is stored or prepared for the purposes of Section 17509 of this code.

Local
regulation

Any city or county may enact an ordinance to prohibit the installation, maintenance or use of a hot plate in any room.

(Added by Stats. 1954 (Ex. Sess.), Ch. 64; amended by Stats. 1955, Ch. 863, and by Stats. 1957, Ch. 2353.)

CHAPTER 27. MAINTENANCE, SANITATION, AND REPAIR GENERALLY

Repair
Roof

17800. Every building shall be maintained in good repair.

17801. The roof of every building shall be kept waterproof, and all storm or casual water shall be properly drained and conveyed from the roof to a street sewer, storm drain, or street gutter.

Drainage

17802. All portions of a lot about a building, including the yards, areaways, vent shafts, courts, and passageways, shall be properly graded and drained.

Surfacing,
etc.

17803. If the enforcement agency considers it necessary for the protection of the health of the occupants, or for the proper sanitation, of an apartment house or hotel, it may require that the yards, areaways, vent shafts, courts, passageways, or other parts of the lot surrounding the building be graveled, or properly paved and surfaced with concrete, asphalt, or similar material.

Painting

17804. The walls and ceiling of every sleeping room in an apartment house or hotel, unless there is sufficient natural light to permit a person to read in any part of the room during the day, shall be calcimined, painted, or papered with a light-colored material. The calcimine, paint, or paper shall be applied as often as may be necessary to maintain the walls and ceiling in a light color and clean and free from vermin.

Same

17805. Unless built of light-colored materials, the walls of courts and shafts shall be painted in a light color or shall be whitewashed. The paint or whitewash shall be applied as often as may be necessary to maintain the walls in a light color.

17806. Not more than two thicknesses of wallpaper shall be placed upon any wall, partition, or ceiling of any room in any apartment house or hotel. If any wall, partition, or ceiling with two thicknesses of wallpaper in any such room is to be repapered, the old wallpaper shall be first removed. Wallpaper

17807. Painting or calcimining over wallpaper is permissible. Same

17808. Whenever necessary for the health of the occupants, or for the proper sanitation or cleanliness, of any building, metal mosquito screening of at least 16 mesh, set in tightfitting removable sash, shall be provided for each exterior door, window, or other opening in the exterior walls of the building. Screening

17809. Such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes, and rubbish as may be considered necessary by the enforcement agency, or a garbage chute or shaft approved by the housing department, shall be provided for every building. Each receptacle, chute, or shaft shall be kept in a clean condition by the following persons: Garbage receptacle

(a) In the case of a receptacle in an apartment house or dwelling, by the occupants or tenants of the building.

(b) In the case of a receptacle in an hotel, by the owner or person in charge of the hotel.

(c) In the case of a chute or shaft in any building, by the person in charge or in control of the building.

17810. Every closet or compartment in a building used for storing a garbage receptacle shall be lined on all its sides and on the inside of all its doors with galvanized iron, with all joints made tight. Receptacle compartment

17811. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink room, wash room, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, lot, and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, filth, rubbish, garbage, vermin, and other offensive matter. Sanitation

(Amended by Stats. 1947, Ch. 1493.)

17812. No person shall do, or permit or cause another person to do, any of the following: Deposit of rubbish, etc.

(a) Deposit any swill, garbage, bottles, ashes, cans, or other improper substances in, or in any way obstruct, any watercloset, sink, slop-hopper, bathtub, shower, catch-basin, or plumbing fixture connection or drain.

(b) Put any filth, urine, or other foul matter in any place other than the place provided for it.

(c) Keep any filth, urine, or other foul matter in any room, or elsewhere in or about the premises, of any building for such length of time as will result in the creation of a nuisance.

Bedding

17813. In every apartment house or hotel every part of every bed, including the mattress, sheets, blankets, and bedding, shall be kept in a clean, dry, and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects.

The bed linen of a bed in an hotel shall be changed as often as a new guest occupies the bed.

Towels

17814. No roller or public towel shall be kept or maintained in an hotel for common use.

Dangerous articles

17815. Neither any article that is dangerous or detrimental to life or to the health of the occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, shall be kept, stored, or handled in any part of an apartment house or hotel, or of the lot on which such building is situated, except upon a written permit obtained from the officer or agency authorized by law to issue the permit. Every permit shall be made in duplicate, and a copy shall remain on file in the office of the officer or agency issuing it. Every filed copy constitutes a public record.

Animals

17816. Neither a horse, cow, calf, swine, sheep, goat, rabbit, mule, or other animal; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any apartment house or hotel. Neither any such animal or poultry, nor any stable shall be kept or maintained within 20 feet of any window or door of an apartment house or hotel.

Same

17817. Neither a horse, cow, calf, swine, sheep, goat, rabbit, or mule; nor a chicken, pigeon, goose, duck, or other poultry shall be kept in any part of any dwelling. Neither any such animal or poultry, nor any stable shall be kept or maintained within 20 feet of any window or door of a dwelling.

Caretaker

17818. A janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating his name and address, or the name and address of his agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

(Amended by Stats. 1943, Ch. 153.)

Artificial light

17819. In every apartment house with more than two apartments above the first floor, and in every hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to illuminate properly every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, in any part of which there is insufficient natural light to permit a person to read.

17820. In every apartment house with more than two Same
apartments above the first floor, and in every hotel there shall
be installed and kept burning from sunset to sunrise through-
out the year artificial light sufficient in volume to illuminate
properly every public hallway, passageway, public stairway,
fire escape egress, elevator, public water-closet compartment,
or toilet room.

17821. Any building which has become unfit for human Nuisances
habitation or occupancy, as defined herein, is hereby declared
to be a nuisance. The enforcement agency, after so deter-
mining, shall notify the owner of such building and any
mortgagee or beneficiary under any deed of trust, of record,
in the manner hereinafter stated. The notice shall state the
conditions which render the building unfit for human habita-
tion and shall order the correction or abatement thereof,
either by demolition, closing or repair, within 30 days after
date of notice. If, in the opinion of the enforcement agency,
such conditions can be corrected or abated by repair thereof,
the notice shall state the repairs which will be required. If
such building is encumbered by a mortgage or deed of trust,
of record, and the owner of such building shall not have
complied with the order of the enforcement agency on or
before the expiration of 30 days after the mailing and post-
ing of the notice, the mortgagee or beneficiary under such
deed of trust, may within 15 days after the expiration of
said 30-day period, comply with the requirements of the
order of the enforcement agency, in which event the costs to
such mortgagee or beneficiary shall be added to and become
a part of the lien secured by said mortgage or deed of trust
and shall be payable at the same time and in the same man-
ner as may be prescribed in said mortgage or deed of trust
for the payment of any taxes advanced or paid by said
mortgagee or beneficiary for and on behalf of said owner.
If the order of the enforcement agency shall not have been Institute
complied with on or before the expiration of 45 days after action
the mailing and posting of the notice, the enforcement agency
may institute such appropriate action or proceeding to cor-
rect or abate the condition as would be taken to correct or
abate any nuisance or any violation of any other provision
of this part or as an alternative procedure such enforcement
agency may institute proceedings for the abatement of such
nuisance, after notice and hearing, before the governing
board of such agency in the manner in this chapter herein-
after set forth.

(Added by Stats. 1941, Ch. 807.)

17822. For the purpose of providing for the advancement Costs
of costs in the enforcement of the provisions of this chapter,
any city or county may create a revolving fund or funds from
which may be paid the costs of enforcing the provisions of
this chapter and into which may be paid the receipts from the
collection of costs or fines imposed in the enforcement thereof.

(Added by Stats. 1941, Ch. 807.)

Service of
notice

17823. The notices required in Section 17821 shall be given in the following manner: The enforcement agency shall post conspicuously at least one copy of the notice on the building alleged to be unfit and shall send another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency and to any mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated. The officer or employee of the enforcement agency upon giving notice as aforesaid shall file an affidavit thereof with the clerk of the governing board of such enforcement agency certifying to the time and the manner in which such notice was given. He shall also file therewith any receipt card which may have been returned to him in acknowledgment of the receipt of such notice by registered mail. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

File with
clerk

(Added by Stats. 1941, Ch. 807.)

Second
notice

17824. If the enforcement agency determines to proceed with the abatement of such nuisance through proceedings instituted before its governing board, it shall give a second notice in the same manner as set forth in Section 17823, directing the owner of such building to appear before the governing board of the enforcement agency at a stated time and place and show cause why such building should not be condemned as a nuisance and said nuisance be abated as herein provided, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, in the manner prescribed in Section 17823. Said notice shall be headed "Notice to Abate Nuisance" in letters of not less than three-fourths of an inch in height and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

Form

The owner of the building situated at_____is hereby notified to appear before_____(insert name of governing board) of the_____(insert name of enforcement agency) at its meeting to be held_____, 19____, at_____(place of meeting) at the hour of_____o'clock ____m., or as soon thereafter as he may be heard, and show cause, if any he has,

why said building should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or by razing or removing same.
Dated-----

(Name of enforcement agency)

By -----

(Name of officer)

The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 17823 hereof, but the failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

(Added by Stats. 1941, Ch. 807.)

17825. At the time fixed in said notice, the governing board Hearing
of the enforcement agency shall proceed to hear the testimony of the officers or employees of the enforcement agency and the testimony of the owner or his representatives, if present at said hearing, and other competent persons who may be present and desire to testify, respecting the condition of said building, the estimated cost of its reconstruction, repair or removal, and any other matter which said governing body may deem pertinent thereto. Upon the conclusion of said hearing said governing board may, by resolution, declare its findings and in the event that it so concludes it may declare said building to be a nuisance and direct the owner to abate the same within 30 days after the date of posting on said premises a notice of the passage of said resolution by having said building properly reconstructed or repaired, or by having the same razed or removed and notifying said owner that if said nuisance is not abated said building will be razed or removed by the enforcement agency and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

At any time within 60 days after the passage of any resolution directing the abatement of a nuisance, the enforcement agency shall post a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated. The officer or employee of the enforcement agency, upon giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in Section 17823 hereof. The governing board of the Posting and mailing

enforcement agency may grant any extension of time to abate said nuisance that it may deem justifiable upon good cause therefor being shown.

(Added by Stats. 1941, Ch. 807.)

Court review

17826. Any owner or other interested person having any objections, or feeling aggrieved at any proceedings taken by the governing board of the enforcement agency in ordering abatement of any nuisance, must bring an action in a court of competent jurisdiction within 30 days after the date of posting on said premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

(Added by Stats. 1941, Ch. 807.)

Jurisdiction
to abate

17827. Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the enforcement agency shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated by the owner or other person interested within the 30-day period or any extension thereof granted by the governing board as provided for in this chapter. In the event that the nuisance is not abated within the time prescribed the enforcement agency may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.

(Added by Stats. 1941, Ch. 807.)

Sale of
materials

17828. The building materials contained in such building so razed or removed shall be sold by the governing board at public sale to the highest responsible bidder after not less than five days' notice of intended sale published at least once in a newspaper of general circulation published in the city or county wherein such building is located, either before or after said building has been razed or removed, and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The enforcement agency shall keep an itemized account of the expense involved in the razing or removing of any such building and shall deduct therefrom the amount received from the sale of the building materials. The enforcement agency shall cause to be posted conspicuously on the property from which the building was razed or removed a statement verified by the officer of the enforcement agency in charge of the doing of the work showing the gross and net expense of the razing or removing of such building together with a notice of the time and place when and where said statement shall be submitted to the governing board of the enforcement agency for approval and confirmation and at which time said governing board shall consider any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work and any other

Notice of
expense

interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 17823 and an affidavit of such posting and mailing shall be filed in the manner prescribed in said section. The time for submitting said statement to the governing board of the enforcement agency for confirmation shall be not less than five days from the date of the posting and mailing of said statement and notice.

(Added by Stats. 1941, Ch. 807.)

17829. At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the doing of the work and any other interested persons and thereupon said governing board may make such revision, correction or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised, corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

Statement
of expense

In the event that the cost of razing or removing said nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating such nuisance, if not paid within five days after the decision of said governing board on said statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 percent per annum, computed from the date of confirmation of the statement until paid, has been paid, or until it is discharged of record. Such lien shall, for all purposes, be upon a parity with the lien of state, county and municipal taxes. In the event of nonpayment the governing board shall, at any time within 60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which such property is located a certificate substantially in the following form, to wit:

NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by Form Chapter 27 (commencing at Sec. 17800), Part 1, Division 13, of the Health and Safety Code of the State of California, the undersigned did on the _____ day of _____, 19____, cause a nuisance to be abated on the real property hereinafter described and the undersigned did on the _____ day of _____, 19____, by action duly recorded in its official minutes as of said date, assess the cost of such abatement, less the amount

received from the sale of any building materials, upon the real property hereinafter described, and the same has not been paid nor any part thereof and the said _____ (enforcement agency) does hereby claim a lien on said real property for the net expense of the doing of said work in the sum of \$_____, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 percent per annum, from the said _____ day of _____, 19___ (insert date of confirmation of statement), has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of _____, County of _____, State of _____, and particularly described as follows, to wit:
Dated_____

(Enforcement agency)

By _____

(Name of officer)

From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

In the event that the amount received from the sale of materials exceeds the expense of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agency to the credit of the owner of said property or to such other person legally entitled thereto and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

(Added by Stats 1941, Ch. 807; amended by Stats. 1959, Ch. 459.)

Reports
to fire
department

17830. Every owner, operator, lessee, or other person in charge of any apartment house or hotel heretofore or hereafter constructed, or any occupant thereof, who becomes aware of any fire or smouldering combustion of an unwarranted or insidious nature which is not confined within equipment designed for fire or which is a hazard to the apartment house or hotel, shall report the matter without delay to the local fire department.

(Added by Stats. 1947, Ch. 1493.)

CHAPTER 28. VIOLATIONS

Violation

17900. It is unlawful for any person to violate, or cause or permit another person to violate, any provision of this part.

Penalties

17901. Any person who violates any of the provisions of this part is guilty of a misdemeanor. In addition to the punishment provided by law, he is liable for all such costs, expense, and disbursements paid or incurred by the enforce-

ment agency, or any of its officers, agents, or employees, in the prosecution of the violation as shall be fixed by the court in which the violation is prosecuted.

17902. A certified copy of every judgment imposing a fine upon an owner of any building for a violation of this part pertaining to the building shall, upon the entry of judgment, be filed forthwith by the enforcement agency in the office of the county recorder of the county in which the building is situated. The county recorder shall index it immediately upon receiving it in the index of mechanics' liens. The fine is a lien upon the building from the time the certified copy of the judgment is filed in the office of the recorder, subject only to taxes, assessments, and water rates, and to mortgage and mechanics' liens existing on the building prior to the filing.

PART 2. AUTO AND TRAILER PARKS

NOTE: Part 2, consisting of Sections 18100 to 18802, was added by Stats. 1939, Ch. 60 as part of codification. Various sections were affected by the following chapters:

		1946 1st				1954			
1941	1943	1945	Ex. Sess.	1947	1949	1951	1953	Ex. Sess.	1955
1097	1131	404	21	1434	631	30	870	60	91
		1371			969		893		1653
							894		
							927		

Part 2 was repealed and added by Stats. 1941, Ch. 1097, and by Stats. 1955, Ch. 91.

The text of Part 2 as added by Stats. 1955, Ch. 91, with amendments, is set forth below. The usual history notes carried at the end of sections are omitted. The Statutory Record may be consulted to determine the history of any particular section prior to enactment of Stats. 1955, Ch. 91.

CHAPTER 1. DEFINITIONS AND SCOPE

18000. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

18001. "Trailer coach," as used in this part is a vehicle, other than a motor vehicle, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

(a) A dependent trailer coach is one not equipped with a toilet for sewage disposal.

(b) An independent trailer coach is one equipped with a toilet for sewage disposal.

(Amended by Stats. 1959, Ch. 694.)

18001.1. A camp car, as used in this part, is a vehicle, with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment, and is subject to the provisions of this part applicable to a trailer coach.

(Added by Stats. 1959, Ch. 694.)

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

"Auto and trailer park"

18002. "Auto and trailer park," as used in this part, means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade.

"Auto and trailer camp"

18003. Whenever the phrase "auto and trailer camp" is used in this part, it shall mean "auto and trailer park."

"Camp site"

18004. "Camp site," as used in this part, means any portion of an auto and trailer camp designed for the use or occupancy of one trailer coach or camping party.

"Approved"

18005. "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California.

"Building"

18006. "Building," as used in this part, means a tent, tenthouse, single and multifamily dwelling, public toilets, public baths and laundry rooms or other structures and a compartment containing a toilet or bath, or both, constructed for the exclusive use of an occupant of a camp site.

"Liquefied petroleum gas"

18007. "Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used it shall mean liquefied petroleum gas.

"Nuisance"

18008. In an auto and trailer camp, "nuisance" includes any of the following:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) The overcrowding of any room with occupants.

(d) Insufficient ventilation or illumination of any room.

(e) Inadequate or insanitary sewage or plumbing facilities.

(f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

Applicability of provisions

18009. The provisions of this part relating to auto and trailer camps apply to all parts of the State except within cities, counties, and cities and counties that have enacted and are enforcing local ordinances regulating auto and trailer camps and such ordinances prescribe minimum standards equal to or greater than the provisions of this part relating to auto and trailer camps. The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of the police power, from prohibiting auto and trailer camps within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution, prescribing higher standards of sani-

Local regulation

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

tation, health and safety for auto and trailer camps and requiring a local health permit to maintain and conduct any such auto and trailer camp within such city, county, or city and county.

Notwithstanding any other provisions of this section, Section 18370 shall apply to all parts of the State. State-wide application

(Amended by Stats. 1957, Ch. 2093.)

CHAPTER 2. ENFORCEMENT, ACTIONS AND PROCEEDINGS

18100. The California Highway Patrol shall enforce the provisions of Section 18254. The Division of Housing in the Department of Industrial Relations shall enforce every other provision of this part; provided, however, that the health officer of the county or of the city in which an auto and trailer park is situated may enforce the provisions of Articles 5, 6, and 7 of Chapter 4 of this part. Enforcement

The officers or agents of the division, or the county health officer, or a city health officer may:

(a) Enter public or private property to determine whether there exists any auto camp or trailer camp to which this part applies.

(b) Enter and inspect all auto camps or trailer camps, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part. Inspection

18101. The owner or operator of an auto and trailer camp shall abate any nuisance in the camp within five days, or within such longer period of time as may be allowed by the Division of Housing, after he has been given written notice by the division to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the camp, or the greater portion of the camp, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California. Nuisance abatement

18102. In any action or proceeding to abate a nuisance in an auto and trailer camp, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto and trailer camp: Abatement action

(a) Previous conviction of the owner or operator of the auto and trailer camp of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

18103. For the purpose of securing the enforcement of this part the officers or agents of the Division of Housing shall Service of process

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

have the authority of peace officers, including authority to make arrests, to serve any process or notice throughout the State, and generally such other authority of peace officers as may be necessary in order to secure enforcement of this part.

CHAPTER 3. PERMITS AND FEES

Application
for permit:

18200. It is unlawful for any person to do any of the following unless he first makes application in writing to the Division of Housing and obtains a permit therefor:

(a) Construct an auto and trailer camp.

(b) Construct additional buildings or reconstruct or move existing buildings in an existing auto and trailer camp.

(c) Operate, or rent, lease, sublease, let, or hire out for occupancy any space in an auto and trailer camp that has been constructed, reconstructed, or altered or moved without having obtained a permit as required herein.

(d) Operate an auto and trailer park for which a fee of twenty-five dollars (\$25) has never been paid either to construct or operate.

New auto
and trailer
camp, etc.

18201. In the case of a new auto and trailer camp, or a new combination auto court and resort and auto and trailer camp, the application shall be accompanied by:

(a) A description of the grounds upon which the auto court and resort or auto and trailer camp is to be constructed.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

Fee

(d) A fee of twenty-five dollars (\$25), except that the fee shall be waived when the new auto court and resort or new auto and trailer camp is to be operated as a combination auto court and resort and auto and trailer camp with an auto court and resort or trailer camp for which a fee has been paid and a permit issued.

Existing
auto and
trailer camp

18202. In the case of an existing auto and trailer camp, the application shall be accompanied by:

(a) A description of the grounds upon which buildings are to be added or reconstructed, or to which buildings are to be moved, or which is to be used for camping purposes.

(b) Plans and specifications of the proposed addition, reconstruction or movement.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

Fee

(d) In an auto and trailer park a fee of two dollars (\$2) for each additional camp site; provided, however, that no fee greater than twenty-five dollars (\$25) shall be required.

Inspection

18203. Within 10 days after the application, descriptions, plans and specifications, and required fee, if any, are filed and paid, an inspector of the Division of Housing shall inspect

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

the grounds upon which the applicant proposes to do the work for which he seeks a permit. The division shall issue a written permit to the applicant if, in its opinion:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

18204. The Division of Housing shall be notified by the new owner or operator of any auto and trailer camp of any change in the name or the ownership or possession thereof. Said notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by a transfer fee of ten dollars (\$10).

Notice of
change of
ownership,
etc.

Fee

18205. Permits for construction and operation shall be posted in a conspicuous place.

Posting of
permit

18206. All permits as required in this chapter for construction or reconstruction of an auto and trailer camp shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the Division of Housing may extend expiration date of said permit for a reasonable time.

Expiration
of permit

18207. In the event that any person holding a permit issued by the Division of Housing under Chapter 3 of Part 2, Division 13 of this code, violates any of the provisions of the said permit or of the said chapter, the permit may be subject to suspension as provided in this chapter.

Suspension

18208. The Division of Housing shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit and/or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

Notice of
violation

18209. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

Posting

18210. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the Division of Housing may suspend the permit.

Suspension
for non-
compliance

18211. Upon compliance by the permittee with the provisions of this code and of said notice, and submission of proof thereof to the Division of Housing, the division shall reinstate the permit.

Reinstatement

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

CHAPTER 4. REGULATIONS

Article 1. General Provisions

Violations

18250. It shall be unlawful for any person in an auto and trailer park to use or cause, or permit to be used for occupancy:

(a) Any trailer coach from which any tire or wheel has been removed therefrom, except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any trailer coach to which are attached any rigid water, gas or sewer pipes; provided, however, that metal tubing not to exceed one-half inch inside diameter may be used for water and gas.

(c) Any trailer coach which is permanently attached with underpinning or foundation to the ground.

(d) Any trailer coach which does not conform to the requirements of the Vehicle Code. A trailer coach which may be moved under special permit as provided for in the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any trailer coach in an insanitary condition.

(f) Any trailer coach which is structurally unsound and does not protect its habitants against the elements.

(g) Any trailer coach to which there is attached or established less than six feet adjacent thereto any awning, portable, demountable, or permanent cabana, building or windbreak, unless constructed in conformity with the rules and regulations of the Division of Housing as set forth in rules and regulations of the said division for such use, and the said division is hereby empowered to draft and enforce such rules and regulations. Such rules and regulations shall provide for the construction of awnings, cabanas, buildings, and windbreaks in a substantial and workmanlike manner and in accordance with recognized standards for such types of structures within auto and trailer parks which are consistent with the health and safety of the occupants therein and reasonably consistent with the construction standards contained in this part. The provisions of Section 18276 of this code shall not apply to any awning, cabana, building or windbreak regulated by this subdivision.

Exceptions

(Added by Stats. 1955, Ch. 91; amended by Stats. 1955, Ch. 1653, and by Stats. 1957, Ch. 783. In effect June 5, 1957.)

Alternative rules and regulations

18250.1. With respect to any provision of this part in which the Division of Housing is empowered to adopt or promulgate its rules or regulations to implement or enforce that provision, any city, county, or city and county may approve and enforce alternative rules and regulations if it finds that local conditions or requirements cause alternative provisions to be more desirable and the material, appliance, installation,

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

device, arrangement, method, work, or other subject of regulation is deemed by it to be adequate in quality, strength, effectiveness, durability, or safety for the protection of life and health. If any city, county, or city and county adopts such rules or regulations, any rules or regulations of the Division of Housing relating to the same subject of regulation shall not apply in that city, county, or city and county.

(Added by Stats. 1957, Ch. 1629.)

18251. Any city, county, or city and county may enact an ordinance to permit the use or occupancy of trailer coaches of the type described in subdivision (g) of Section 18250 or to provide that the provisions of subdivision (g) of Section 18250 shall not apply therein, and that, in lieu thereof, the regulations adopted and enforced by the city, county, or city and county shall apply. If an ordinance is enacted and such regulations are adopted, the provisions of subdivision (g) of Section 18250 shall not apply within the city, county, or city and county, but the ordinance and regulations shall apply therein. The provisions of Section 18276 of this code shall not be construed as a limitation upon this section.

(Added by Stats. 1955, Ch. '91; amended by Stats. 1955, Ch. 1653, and by Stats. 1957, Ch. 1629.)

18252. It shall be unlawful for any person to rent or hold out for rent any trailer coach in an auto and trailer park which is owned by or in the possession or control of the owner or operator of the auto and trailer park or his agent. The rental paid for any such trailer coach shall also be deemed to be rental for the space it occupies.

18253. It is unlawful for any person to use, occupy, or maintain any trailer coach, tent or tenthouse upon any area or tract of land for a period of more than seven days during any one three-month period of time without the written permission of the owner or person legally in charge of the land.

18254. It is unlawful to camp overnight or to park a trailer coach overnight upon any public highway including the right of way. This provision shall not apply where a trailer coach is parked for the purpose of making emergency repairs.

Article 2. Trailer Parks

(Heading amended by Stats. 1957, Ch. 746)

18275. Each trailer site in a trailer park shall have minimum side yard and rear yard areas of not less than three feet (3') on each side and to the rear of the trailer coach. Upon application in writing, the Division of Housing or the enforcement agency may issue a permit for the construction or operation of a trailer park which permit may allow variations

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

in specified respects from the requirements of this part, under the following conditions:

(a) When the trailer park is operated incidental to the operation of a fishing resort where boats are rented, and such trailer park is not so located as to rely primarily on tourist travel for patronage.

(b) Where such relaxation in the requirements of this part will not in fact endanger public health, welfare, and safety.

(c) Where trailer parks are located in recognized vacation, resort, or recreational areas of the State, the division or the enforcement agency may permit a reduction of the minimum site and rear yard area requirements as set forth herein.

(Repealed and added by Stats. 1957, Ch. 746.)

Trailer
coach
location

18276. No trailer coach shall be located closer than six feet (6') from any building or another trailer coach; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of an occupant of a trailer site, designed for the occupancy of one trailer coach.

(Amended by Stats. 1957, Ch. 746.)

Distance
from lot line

18277. Each trailer coach and each building shall not be located closer than three feet from a lot line.

Driveways

18278. Each trailer site shall front upon a driveway of not less than fifteen feet (15') in width. All driveways shall have clear and unobstructed access to a public thoroughfare.

(Amended by Stats. 1957, Ch. 746.)

Prohibition

18279. A trailer park shall not accommodate any trailer coaches for which there are no sites conforming to the provisions of this article.

(Repealed and added by Stats. 1957, Ch. 746.)

Article 3. Masonry Construction

Walls

18300. Unit masonry walls used in the construction of any building in an auto and trailer park shall be constructed as follows:

(a) Bearing walls and bearing partitions shall be not less than eight inches in width.

(b) All masonry units shall be laid up in cement mortar.

(c) Bearing walls shall be so designed and constructed to withstand the vertical live and dead loads placed on them and to withstand a horizontal force from any direction of 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of the walls.

(d) Walls as described above shall be so designed as to admit of a rational analysis in accordance with established principles of mechanics.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

Article 4. Plumbing, Use and Sanitation

18325. In every building each plumbing fixture shall be connected to a sanitary drainage system, and shall be provided with a water-sealed trap. Plumbing connections

18326. The trap shall be separately and effectively vented by means of a connection to vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it. Traps

18327. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes. Vent pipes

18328. Suitable and readily accessible cleanouts shall be placed at convenient points in the plumbing system of every building. Cleanouts

18329. Whenever any plumbing fixture becomes insani- tary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part. Removal and replacement of fixtures

18330. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with municipal or sanitary district sewer, sewage or waste may be discharged into a cesspool or into a septic tank constructed and maintained to the satisfaction of the enforcement agencies. Cesspool or septic tank

18331. No sewage, waste water or any effluent shall be allowed to be deposited on the surface of the ground. Sewage, etc.

Article 5. Water Closet, Bathing, and Plumbing Facilities

18350. Public toilets, showers, and lavatories shall be provided as follows: Public toilets, showers, etc.

(a) In auto and trailer parks constructed and operated exclusively for dependent trailers: one toilet, one shower, and one lavatory for each sex for each ten (10) dependent trailer sites.

(b) In auto and trailer parks constructed and operated for dependent and independent trailers, the following ratio of toilets, showers, and lavatories for each sex:

Sites	Toilets	Showers	Lavatories
2-25	1	1	1
26-70	2	2	2

One additional toilet shall be provided for each sex for each one hundred (100) additional sites or fractional part thereof in excess of seventy (70) sites.

(c) All toilet facilities for dependent trailers shall not be farther than four hundred feet (400') from any dependent trailer site.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(d) Each toilet shall be for the exclusive use of the occupants of the trailer sites in the auto and trailer park.

(Repealed and added by Stats. 1957, Ch. 747; amended by Stats. 1959, Ch. 336.)

Independent
trailers

18350.5. In auto and trailer parks constructed and operated exclusively for independent trailers, one toilet, one shower, and one lavatory shall be provided for each sex for each one hundred (100) sites or fractional part thereof.

(Added by Stats. 1959, Ch. 336.)

Width

18351. Every water closet compartment in any building in an auto and trailer park shall be at least 30 inches in clear width.

Public toilets

18352. The public toilets shall be maintained readily accessible to all the tenants at all times.

Signs

18353. In every auto and trailer park water closets for men shall be distinctly marked: "Men" and water closets for women shall be distinctly marked: "Women."

(Amended by Stats. 1957, Ch. 747.)

Floors

18354. The floor of every water closet compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the water closet compartment, to a height of not less than 12 inches above the floor.

Rules and
regulations

18355. It is unlawful for any person to use, or permit the use of, any toilet in any trailer coach located within an auto and trailer park unless the plumbing in such auto and trailer park meets the requirements of the Division of Housing as set forth in rules and regulations of the said division for such use, and the said division is hereby empowered to draft and enforce such rules and regulations.

(Amended by Stats. 1959, Ch. 336.)

Bathing
facilities

18356. In every auto and trailer park, shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproof draw curtain.

(Repealed and added by Stats. 1957, Ch. 747.)

Floors

18357. The floor of every shower bath compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor.

Sanitation

18358. Every water closet compartment or compartments containing bathing facilities shall be:

(a) Kept clean.

(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(c) Provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one water closet, bath, or urinal, the total window area shall be equivalent to three square feet for each water closet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

(d) Windows shall be screened with not less than 16-mesh Screens metal screen.

18359. There shall be constructed in every trailer camp a Laundries laundry compartment with not less than two laundry trays.

18360. The floors and at least 12 inches on the walls from Floors the ground shall be constructed of approved waterproof masonry composition.

18361. Each laundry compartment shall have window area Windows equal to at least one-eighth of the floor area, and in no case shall it be less than nine square feet.

18362. The laundry trays shall be supplied with hot and Trays cold water.

18363. In every auto and trailer park there shall be set Clothes aside a space convenient to the laundry facilities for the occu- drying space pants of the camp sites to dry clothes.

18364. There shall be not less than one lavatory for each Lavatorie sex installed in every building in an auto and trailer park containing public toilets.

18365. All plumbing fixtures in every building in an auto Plumbing and trailer park which affect its sanitary drainage system shall fixtures be installed and maintained as provided in Sections 18325 to 18331, inclusive, of this part.

18366. There shall be in every auto and trailer camp an Water supply adequate supply of pure water for all the requirements of the camp. The water shall be obtainable from faucets installed within 100 feet of each part of the camp.

18367. No dipping vessels or cups for common use are per- Common missible in any auto and trailer camp. cups, etc.

18368. Drinking fountains shall be maintained in a sani- Drinking tary condition, and shall be of a type approved by the enforce- fountains ment agency.

18369. Upon application, the Division of Housing or other Variance enforcement agency may issue a permit for the operation of permits an auto or trailer park, which permit may allow variations in specified respects from the requirements of this article, under the following conditions:

(a) When the auto or trailer park is operated incidental to the operation of a fishing resort where boats are rented, and the auto or trailer park is not so located as to rely primarily on tourist travel for patronage.

(b) Where such relaxation in the requirements of this article as the Division of Housing may permit will not in fact endanger public health.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(c) Where trailer parks are located in recognized vacation, resort, or recreational areas of the State, the division or enforcement agency may permit the following minimum water closet, bathing, and plumbing facilities for dependent trailers:

(a) There shall not be less than one water closet in a separate compartment for each sex for the first 10 trailer sites or fractional part thereof not provided with a private water closet.

(b) There shall be one additional water closet for each sex in a separate compartment for every 10 additional trailer sites or fractional part thereof.

(c) In no event shall there be less than one toilet for each sex in any auto and trailer court.

The enforcement agency, when conditions warrant, may approve the installation and use of other types of toilet facilities.

(Amended by Stats. 1957, Ch. 747.)

Unlawful
sales

18370. It is unlawful for any person to sell or offer for sale, within this State, any trailer coach manufactured after September 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installation. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to the work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

Rules and
regulations

If the Division of Housing determines that the standards for the plumbing, heating, and electrical equipment installed in trailer coaches which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the division, it may so provide by regulation. Any trailer coach which a state listed in such regulations has approved as meeting its standards for plumbing, heating, and electrical equipment installed in trailer coaches shall be deemed to meet the standards of the Division of Housing, if the division determines that the standards of such other state are actually being enforced.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

Insignia of
approval

All trailer coaches manufactured after September 1, 1958, which are sold or offered for sale within this State, shall bear

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

an insignia of approval by the Division of Housing for plumbing, heating and electrical equipment therein.

The Division of Housing may issue insignia for trailer coaches manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

(Added by Stats. 1957, Ch. 2093; amended by Stats. 1958 (1st Ex. Sess.), Ch. 89, and by Stats. 1959, Ch. 1328.)

NOTE: Section 18370, as amended by Stats. 1958 (1st Ex. Sess.), Ch. 89, effective from July 23, 1958, to September 18, 1959, reads as follows:

18370. It is unlawful for any person to sell or offer for sale, within this State, any trailer coach manufactured after September 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installations. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to the work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

All trailer coaches manufactured after September 1, 1958, which are sold or offered for sale within this State, shall bear an insignia of approval by the Division of Housing for plumbing, heating and electrical equipment therein.

The Division of Housing may issue insignia for trailer coaches manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

18372. Any trailer coach which meets the standards prescribed by the Division of Housing, Department of Industrial Relations, pursuant to Section 18370, shall not be required to comply with any local ordinances prescribing requirements for plumbing, heating, and electrical equipment installed in trailer coaches. Exemption from local ordinances

(Added by Stats. 1959, Ch. 1191.)

Article 6. Garbage and Rubbish Disposal

18375. In every auto and trailer camp one or more metal garbage cans with tight fitting covers, appropriately labeled, shall be provided for every six, or fractional part of six, trailer coaches or camp sites within the camp. Garbage cans

18376. All garbage, waste, and rubbish in every auto and trailer camp shall be burned, buried, or removed from the premises and disposed of without creating a nuisance. Garbage disposal

18377. Any person who uses, occupies, operates, or maintains any trailer coach shall not deposit or dispose of any Same

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

garbage, rubbish, or refuse otherwise than by burning or burying it at a distance more than 50 feet from any public highway or road and more than 200 feet from any spring, well, stream, lake, reservoir, or other source of water supply.

Drainage 18378. It shall be unlawful to permit any waste water or material from sinks or other plumbing fixtures in a trailer coach to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank.

Article 7. Maintenance and Sanitation

Maintenance 18400. The area or tract of land upon which an auto and trailer camp is maintained shall be:

- (a) Well drained and graded.
- (b) Kept free from dust.
- (c) Kept clean and free from the accumulation of refuse, garbage, rubbish, or debris.

Same 18401. The space directly beneath each trailer coach shall be kept clean and free from refuse, rubbish, or other impedimenta.

CHAPTER 5. LIQUEFIED PETROLEUM GASES

Location 18425. (a) No cylinder shall be located within a building enclosed on four sides, nor within a trailer coach, nor within five (5) feet of a source of ignition, nor below ground, nor below ground level, nor with the outlet less than five (5) feet away from any building opening which is below the level of such outlet.

Vents The discharge from safety valves shall be vented in such a manner as to prevent any impingement of escaping LPG upon the vessel, and such discharge point shall be not less than five (5) feet, measured horizontally from any building opening which is below such discharge.

Distance (b) Each tank shall be located with respect to the nearest source of ignition or line of property adjoining, which may be built upon in accordance with the following table. Vessels and first-stage regulating equipment carrying more than 20 psi pressure shall be located outside the buildings or trailer coaches except as hereinafter provided. Each individual vessel shall be located with respect to the nearest important building or group of buildings or line of property adjoining, which may be built upon, in accordance with the following table:

Volumetric capacity of vessels (in U. S. gallons)	Minimum distance
Not more than 500 U. S. gallons	10 feet
501 to 1,200 U. S. gallons	25 feet
Over 1,200 U. S. gallons	50 feet

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(c) Regulating or filling equipment on tanks filled on consumers' premises shall not be less than 15 feet from any opening into or under a building where such opening is below the level of the outlets of such regulating or filling equipment.

(d) Readily ignitable material shall not be permitted within ten (10) feet of any vessel, regulator, or vaporizer.

18426. No cylinder shall be charged within ten (10) feet of any trailer coach in an auto and trailer park. Charging cylinders

CHAPTER 5.5. TENT CAMPS

(Chapter 5.5 added by Stats. 1957, Ch. 1621)

18440. Tent camps shall be subject to all of the provisions and definitions of this part except as otherwise provided in this chapter. Applicable provisions

The provisions of this chapter shall not prevent local authorities of any city, county, or city and county within the reasonable exercise of the police power from prohibiting tent camps within such city, county, or city and county, or from adopting rules and regulations, by ordinance or resolution, prescribing higher standards of sanitation, health and safety for tent camps and requiring a local health permit to maintain and conduct any such tent camp within such city, county, or city and county. Local regulation

(Added by Stats. 1957, Ch. 1621.)

18441. Tent camps may be located and operated in conjunction with trailer parks provided that the tent camp portion is set aside separately and distinctly from the trailer park area. Camp location

(Added by Stats. 1957, Ch. 1621.)

18442. Each site in a tent camp shall be not less than four hundred square feet (400 sq. ft.) in area. Site area

(Added by Stats. 1957, Ch. 1621.)

18443. Tents shall be located not closer than ten feet (10') from any building or other tent on an adjacent site. Tent location

(Added by Stats. 1957, Ch. 1621.)

18444. No tent site shall be located farther than four hundred feet (400') from public toilet facilities. Same

(Added by Stats. 1957, Ch. 1621; amended by Stats. 1959, Ch. 336.)

18445. Covered garbage and trash containers, of not less than twenty gallon (20 gallon) capacity, shall be located throughout the campgrounds at intervals of not more than one hundred feet (100'). Garbage and trash containers

(Added by Stats. 1957, Ch. 1621.)

18446. Each tent camp shall be provided with pure and potable water throughout the campground adequate for all the requirements of the camp. Water shall be obtainable from faucets installed within one hundred feet (100') of each site. Service sinks or other approved waste receptacles shall be Drinking water
Service sinks

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

located at and directly beneath each water outlet; such sinks shall be connected to an approved underground sewage disposal system.

(Added by Stats. 1957, Ch. 1621.)

Public
toilets
and showers

18447. Public toilets and public shower baths shall be provided accessible to and for the exclusive use of tent campers. Public toilets and public shower baths hereafter installed shall be provided at the ratio of one (1) for each sex for each fifteen (15) campsites. Each toilet and each shower bath shall be installed in separate compartments. Lavatories shall be installed within the room containing toilet compartments and at the ratio of one (1) for each two (2) toilet fixtures.

Lavatories

(Added by Stats. 1957, Ch. 1621.)

CHAPTER 6. MISCELLANEOUS PROVISIONS

Register

18450. Every person who owns or operates an auto and trailer camp shall keep a register in which shall be entered (a) the name and address of each guest who is the owner or operator of an automobile, and the name and address of each member of his party, for which space is rented in an auto and trailer camp; (b) the make, type and license number of the automobile, and trailer, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration.

Lighting

18451. In every auto and trailer park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the auto and trailer park.

Electric
wiring

18452. In every auto and trailer park, electric wiring, fixtures, and equipment shall be installed in a safe and approved workmanlike manner, and maintained to the satisfaction of the enforcement agency.

Animals and
poultry

18453. Dogs and barnyard animals, including poultry, shall not be permitted to run at large in any auto and trailer park.

Exception

18454. This part does not apply to any supervised public park, public campground, or picnic ground owned, operated, or maintained by any of the following:

(a) The Federal Government.

(b) The State.

(c) Any agency or political subdivision of the State.

Same

18455. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel" as defined in Section 18502 of this code shall not be considered subject to Part 1.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18456. It is unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any auto and trailer camp, unless there is a caretaker in the camp at all times. The caretaker shall enforce within the camp provisions of this part governing the operation and maintenance of auto and trailer camps. Caretaker

CHAPTER 7. VIOLATIONS

18475. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars (\$200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment. Penalty

PART 2.1. AUTO COURTS AND RESORTS

NOTE: Part 2.1 was formerly part of Part 2. See note at beginning of Part 2.

CHAPTER 1. DEFINITIONS AND SCOPE

18500. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments. Construction

18501. "Auto court and resort," as used in this part, means any area, place, or tract of land where two or more single family dwellings, or a building containing two or more apartments designed, used, or intended wholly or in part for the accommodation of transients, are located and offered for hire, rent, or lease by any person, firm, or corporation. Auto court and resort also includes any motel. "Auto court and resort"

18502. "Motel," as used in this part, means a building of not more than one story containing six or more guest rooms or apartments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of automobile transients. "Motel"

18503. "Apartment," as used in this part, means a room or suite of rooms in a building occupied or designed for occupation by one family for living or sleeping purposes. "Apartment"

18504. "Approved," when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California. "Approved"

18505. "Building," as used in this part, means a tent, tenthouse, single and multifamily dwelling, public toilets, public baths and laundry rooms or other structures and a compartment containing a toilet or bath, or both, constructed for the exclusive use of an occupant of a camp site. "Building"

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

- "Dwelling" 18506. "Dwelling," as used in this part, is a building containing one or more apartments.
- "Garage" 18507. "Garage" means any space in any building used for the storage of automobiles.
- "Family" 18508. "Family," as used in this part, means one person living alone or a group of two or more persons occupying an apartment.
- "Liquefied petroleum gas" 18509. "Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used, it shall mean liquefied petroleum gas.
- "Story" 18510. "Story" is defined as that portion of a building included between the finished floor and the finished ceiling of any floor and shall be not less than eight feet in height.
- "Nuisance" 18511. In an auto court and resort "nuisance" includes any of the following:
- (a) Any public nuisance known at common law or in equity jurisprudence.
 - (b) Whatever is dangerous to human life or is detrimental to health.
 - (c) The overcrowding of any room with occupants.
 - (d) Insufficient ventilation or illumination of any room.
 - (e) Inadequate or insanitary sewage or plumbing facilities.
 - (f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.
- Applicability of provisions 18512. The provisions of this part relating to auto courts and resorts apply only in the unincorporated areas of this State.

CHAPTER 2. ENFORCEMENT, ACTIONS AND PROCEEDINGS

- Enforcement 18550. The Division of Housing in the Department of Industrial Relations shall enforce every provision of this part.
- The officers or agents of the division, or the county health officer, may:
- (a) Enter public or private property to determine whether there exists any auto court and resort, to which this part applies.
 - (b) Enter and inspect all auto courts and resorts wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.
- Abatement of nuisance 18551. The owner or operator of an auto court and resort shall abate any nuisance in the court and resort within five days, or within such longer period of time as may be allowed by the Division of Housing, after he has been given written notice by the division to remove the nuisance. If he fails to do so within that time, the district attorney of the county in

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

which the auto court and resort, or the greater portion of the auto court and resort, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

18552. In any action or proceeding to abate a nuisance in an auto court and resort, proof of the following facts is sufficient for a judgment or order for the abatement of the operation of the auto court and resort: Facts required

(a) Previous conviction of the owner or operator of the auto court and resort of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction.

(c) The violation is the basis for the proceeding.

18553. For the purpose of securing the enforcement of this part the officers or agents of the Division of Housing shall have the authority of peace officers, including authority to make arrests, to serve any process or notice throughout the State, and generally such other authority of peace officers as may be necessary in order to secure enforcement of this part. Authority of officers

CHAPTER 3. PERMITS AND FEES

18600. It is unlawful for any person to do any of the following unless he first makes application in writing to the Division of Housing and obtains a permit therefor: Permit

(a) Construct an auto court and resort.

(b) Construct additional buildings or reconstruct or move existing buildings in an existing auto court and resort.

(c) Operate, or rent, lease, sublease, let, or hire out for occupancy any building in an auto court and resort that has been constructed, reconstructed, or altered or moved without having obtained a permit as required herein.

(d) Operate an auto court and resort for which a fee of twenty-five dollars (\$25) has never been paid either to construct or operate.

18601. In the case of a new auto court and resort, or a new combination auto court and resort and auto and trailer camp, the application shall be accompanied by: Application:
New auto
court, etc.

(a) A description of the grounds upon which the auto court and resort or auto and trailer camp is to be constructed.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

(d) A fee of twenty-five dollars (\$25), except that the fee shall be waived when the new auto court and resort or new auto and trailer camp is to be operated as a combination auto court and resort and auto and trailer camp with an auto court and resort or trailer camp for which a fee has been paid and a permit issued. Fee

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

Existing auto
court, etc.

18602. In the case of an existing auto court and resort, the application shall be accompanied by:

(a) A description of the grounds upon which buildings are to be added or reconstructed, or to which buildings are to be moved, or which is to be used for camping purposes.

(b) Plans and specifications of the proposed addition, reconstruction or movement.

(c) A description of the water supply, ground drainage, and method of sewage disposal.

Fee

(d) In an auto court and resort, or a motel, a fee of two dollars (\$2) for every apartment in a building which is added or reconstructed or moved; and provided, however, that no fee greater than twenty-five dollars (\$25) shall be required.

Inspection

18603. Within 10 days after the application, descriptions, plans and specifications, and required fee, if any, are filed and paid, an inspector of the Division of Housing shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The division shall issue a written permit to the applicant if, in its opinion:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

Change of
ownership,
etc.

18604. The Division of Housing shall be notified by the new owner or operator of any auto court and resort of any change in the name or the ownership or possession thereof. Said notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by a transfer fee of ten dollars (\$10).

Posting of
permit

18605. Permits for construction and operation shall be posted in a conspicuous place.

Expiration

18606. All permits as required in this chapter for construction or reconstruction of an auto court and resort shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the Division of Housing may extend the expiration date of said permit for a reasonable time.

Violations

18607. In the event that any person holding a permit issued by the Division of Housing under Chapter 3 of Part 2.1, Division 13 of this code, violates any of the provisions of the said permit or of the said chapter, the permit may be subject to suspension as provided in this chapter.

Notice of
violations

18608. The Division of Housing shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit and/or this code have been violated, and shall notify him that unless these provisions have been

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

complied with within 30 days after the date of notice, the permit shall be subject to suspension.

18609. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

Service of
notice

18610. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the Division of Housing may suspend the permit.

Suspension
of permit

18611. Upon compliance by the permittee with the provisions of this code and of said notice, and submission of proof thereof to the Division of Housing, the division shall reinstate the permit.

Reinstatement

CHAPTER 4. REGULATIONS

Article 1. Construction

18650. Every building in an auto court and resort shall be constructed in a substantial and thoroughly workmanlike manner; and shall provide shelter to the occupants against the elements, and exclude dampness in inclement weather.

Construction

18651. Every building in an auto court and resort and every part of such building shall be maintained in a state of good repair.

Maintenance

18652. The footings, foundations, walls, joists, studding, girders, columns, and all other bearing portions of a building shall be of such sizes and so constructed as to sustain safely in all their parts all the live and dead loads transmitted to them, in addition to their own dead loads.

Footings,
foundations,
etc.

18653. Each floor in a building shall be constructed to sustain safely a live load of not less than 40 pounds to each square foot.

Floors

18654. Each roof of a building shall be constructed to sustain safely a live load of not less than 20 pounds to each square foot.

Roofs

18655. Schedules of weights of materials, safe allowable unit stresses, and formulas used for computing stresses shall be of standard recognized practice.

Standards

18656. The wooden studs in every bearing wall and bearing partition shall be not less than two inches by four inches, and the studs shall be spaced not more than 16 inches center to center, except that construction of equal or greater strength may be used in lieu thereof.

Studs

18657. All wooden stud walls and partitions shall be effectively fire-stopped at the floors and ceilings.

Fire-stops

18658. Each wooden stud wall and partition shall be thoroughly and effectively angle-braced at each corner and at

Angle-
bracing

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

least once in each 25 feet of its length, except that diagonal sheathing or other membrane of comparable strength and rigidity may be used for angle-bracing.

Bearing
supports

18659. No floor joists or other bearing support shall be cut or notched for any purpose unless it is reinforced to take up the weakness caused by the cut or notch.

Floor joists

18660. Every span of wooden floor joists shall be cross-bridged with cross-bridging of not less than 2-inch x 3-inch material, at intervals not more than eight feet apart. A bearing partition, wall girder, or other support under the joists that is blocked solid over its top between the joists with blocks not less than two inches thick the full depth of the joists shall take the place of cross-bridging.

Foundations

18661. Every building, except a tent or a tenthouse, shall have an adequate masonry foundation.

Air space

18662. There shall be a clear air space under the lower floor of every building in an auto court and resort. The air space shall:

(a) Measure at least 18 inches in the clear from the underside of the floor joists to the ground directly beneath; provided, that waterproof masonry floors of not less than four-inch thickness may be laid directly on the ground.

(b) Be enclosed.

(c) Be provided with a sufficient number of openings with screens, lattice work, or similar installations, of a size to insure ample ventilation.

The surface underneath the floor shall be kept clean, and shall be free from any accumulation of rubbish, debris, or filth.

Sleeping
rooms

18663. Every sleeping room in any building in an auto court and resort shall:

(a) Have a superficial floor area of at least 80 square feet.

(b) Be at least seven feet in width at any point within that portion of the room included in computing the minimum required superficial floor area.

Ceilings

18664. Every sleeping room and kitchen in any building in an auto court and resort shall have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling; but if the room has a sloping ceiling, the ceiling height may be less than eight feet in not more than one-half the sloping ceiling portion of the room.

Partitions

18665. Every partition in a building in an auto court and resort separating a room used for cooking purposes from a room used for sleeping purposes shall extend to the ceiling, or to the roof, if there is no ceiling and any openings therein shall be provided with a full length solid door.

Doors

Kitchens

18666. Every kitchen in any building in an auto court and resort shall contain not less than 50 square feet of floor area.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

18667. Every room in a building in an auto court and resort used as a toilet or bath room shall be separated by a partition extending to the ceiling, or to the roof if there is no ceiling, and any openings therein shall be provided with a full length solid door. Toilets or bath rooms

18668. The provisions of Sections 18656, 18657, 18658, 18659, 18660, and 18661 of this article shall not apply to the construction of tent-houses in seasonal resorts operated between May 1st and October 15th of each year. Exceptions

Article 2. Windows

18675. "Window," as used in this article, includes a "Window" French door or window.

18676. Windows required by this article may be measured the full width of the sash. Measurement

18677. Every living room, sleeping room, or kitchen in every building in any auto court and resort shall be provided with one or more windows having an aggregate area of not less than one-eighth the floor area of the room, or not less than 12 square feet, whichever is the greater. Aggregate area

Every bath or water closet compartment shall be provided with one or more windows having an aggregate area of not less than six square feet.

18678. In lieu of windows for private bath and toilet compartments in an auto court and resort, or motel, an approved fan exhaust system may be used. Fan exhaust system

18679. The fan exhaust system of ventilation shall be so designed and operated as to produce a complete change of air in not more than five minutes. Same

18680. Any person in charge of a building in which a fan exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses to operate and maintain the system in good order and repair so that the air in each room for which it is provided is not completely changed within the specified intervals, is guilty of a misdemeanor. Violation

18681. Windows required by this article shall be so arranged that at least one-half of their aggregate area may be opened. Opening

18682. All required windows shall abut upon a street, or a yard or court not less than four feet in clear width, and containing an area of not less than 40 square feet, open and unobstructed to the sky, located on the same lot as the building it serves. Required bath or toilet room windows, however, may open into a vent shaft at least three feet in its least dimension and unobstructed to the sky. Location

18683. Any window required by this article may open through a roofed porch which: Roofed porch

(a) Does not exceed seven feet in depth.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

(b) Has one side or one end abutting a street, or a yard or court not less than four feet in width. Such street, yard or court shall be directly opposite the windows served.

(c) Has a ceiling height of not less than seven feet.

The open and unobstructed side and end of the porch may be covered with metal screening of at least 16 mesh.

Article 3. Air Ducts

Construction 18700. Every duct used for the transmission of air, whether for ventilating, cooling, or heating purposes, and forming part of any mechanical or other system of ventilation or air conditioning system, installed in any auto courts and motels, shall be constructed of either of the following materials:

(a) Approved incombustible materials.

(b) Approved metal not less than number 26 gauge, with lock-jointed seams and with all joints connecting each duct unit effectively riveted or otherwise securely attached.

Article 4. Garages

Windows 18725. No window from any building shall open into a garage.

Ventilation 18726. Every garage shall be provided with a minimum ventilation area of 60 square inches for each automobile stored in each garage. Each ventilation outlet shall be protected with galvanized wire or rods not less than three-eighths-inch diameter and provide openings not less than one-half-inch mesh. Each ventilation opening shall lead to the outer air and shall not be more than 18 inches above the garage floor level.

Article 5. Masonry Construction

Walls 18750. Unit masonry walls used in the construction of any building in an auto court and resort or motel shall be constructed as follows:

(a) Bearing walls and bearing partitions shall be not less than eight inches in width.

(b) All masonry units shall be laid up in cement mortar.

(c) Bearing walls shall be so designed and constructed to withstand the vertical live and dead loads placed on them and to withstand a horizontal force from any direction of 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of the walls.

(d) Walls as described above shall be so designed as to admit of a rational analysis in accordance with established principles of mechanics.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

Article 6. Plumbing, Use and Sanitation

18775. One water closet for each sex shall be provided in a separate compartment for every 10 apartments or fractional part thereof in an auto court and resort not provided with a private water closet; provided, however, that the enforcement agency may authorize other types of toilet facilities in its discretion. Water closets

18776. Every water closet compartment in any building shall be at least 30 inches in clear width. Width

18777. The public toilets shall be maintained readily accessible to all the tenants at all times. Public toilets

18778. One shower or bathtub for each sex shall be provided in a separate compartment for every 10 apartments or units or fractional part thereof in every auto court and resort not provided with private bathing facilities. Such shower or bathtub shall be supplied with hot and cold water. Bathing facilities

18779. The floor of every water closet and shower bath compartment shall be constructed, and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the shower bath compartment to a height of not less than six feet above the floor. Floors

18780. No apartment or unit shall be more than 200 feet from a toilet and a shower or bath compartment. Location

18781. Each kitchen shall be provided with a kitchen sink constructed of approved nonabsorbent material, and supplied with hot and cold running water. Kitchens

18782. No door or other opening in the water closet compartment shall open from or into any room in which food is stored, prepared, or cooked. Water closet doors, etc.

18783. In every building in an auto court and resort each plumbing fixture shall be connected to a sanitary drainage system, and shall be provided with a water-sealed trap. Traps

18784. The trap shall be separately and effectively vented by means of a connection to a vent pipe extending to the outer air above the roof. The vent pipe shall be so installed and maintained that no drainage or sewage from any fixture may be deposited in or conveyed through it. Vents: Installation

18785. Plumbing vent pipes installed in any building shall not terminate at a point adjacent to any window or other opening in the building intended or used for ventilation purposes. Location

18786. Suitable and readily accessible cleanouts shall be placed at convenient points in the plumbing system of every building. Cleanouts

18787. Whenever any plumbing fixture becomes insanitary, the enforcement agency may require its removal and replacement by a fixture conforming to the provisions of this part. Removal and replacement of fixtures

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

Cesspool or
septic tank

18788. If it is impracticable to connect the plumbing fixtures affecting the sanitary drainage system with municipal or sanitary district sewer, sewage or waste may be discharged into a cesspool or into a septic tank constructed and maintained to the satisfaction of the enforcement agencies.

Sewage, etc.

18789. No sewage, waste water or any effluent shall be allowed to be deposited on the surface of the ground.

Water supply

18790. There shall be in every auto court and resort an adequate supply of pure water for all the requirements of the camp. The water shall be obtainable from faucets installed within 100 feet of each part of the court.

Common
cups, etc.

18791. No dipping vessels or cups for common use are permissible in any auto court and resort.

Drinking
fountains

18792. Drinking fountains shall be maintained in a sanitary condition and shall be of a type approved by the enforcement agency.

Gas appli-
ances

18793. Every gas water heater, and every other gas-fire appliance used for the purpose of heating a building, except gas plates and gas ranges, in every auto court and resort apartment shall be an approved vented type appliance and shall be so vented as to effectively discharge the flue gases therefrom through a sheet metal or other approved vent pipe not less than the area of the vent outlet on the appliance but in no case less than two and one-half inches in internal diameter, which vent pipe shall be connected to a vertical, or substantially vertical flue or chimney leading to the outer air above the roof. A model or sample of every such gas water heater and every other gas-fire appliance used for the purpose of heating a building, except gas plates and gas ranges, shall have been tested and approved by a nationally recognized standard or nationally recognized testing laboratory and such appliance shall have attached thereto an insignia of approval by such standard or testing laboratory. The flue or chimney shall be either terra cotta, brick, fire clay, or other approved product, having a wall thickness of adequate insulating value, and which will not disintegrate from the effects of the products of combustion. The internal area of the flue or chimney shall be at least 12 square inches.

All gas appliances subject to the provisions of this section and all gas plates and gas ranges shall be rigidly connected with metal piping directly to the gas service outlet.

Vent

18794. There shall be installed in the ceiling over any gas cooking appliance an opening not less than six by eight inches, connected to a vertical duct leading to the outer air above the roof.

Sleeping
rooms

18795. A room used for the cooking and preparation or storage of food shall not be used for sleeping purposes.

Air space

18796. It is unlawful to use or permit to be used for sleeping purposes any room in any building that does not contain at least 640 cubic feet of air space.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

If any room is used for sleeping purposes by more than two persons, the minimum required cubic air space of the room shall be increased by not less than 500 cubic feet for each additional person in excess of two that the room is designed, built, or intended to, or does, accommodate.

18797. Every building in an auto court and resort and every part of such building shall be maintained in a clean and sanitary condition and shall be kept free from vermin, debris, filth, rubbish, garbage or other offensive matter. Sanitation

18798. The premises upon which an auto court and resort is situated shall be well drained and properly graded and maintained in a clean and sanitary condition. Drainage

18799. Every mattress and all bedding used in any auto court and resort shall be maintained in a clean and sanitary condition and free from vermin. Bedding

18800. All garbage, waste and rubbish in every auto court and resort shall be burned, buried, or removed from the premises without creating a nuisance and in such manner as may be approved by the health department of the county in which the camp is located. Rubbish,
etc.,
disposal

CHAPTER 5. LIQUEFIED PETROLEUM GASES

18825. (a) No cylinder shall be located within a building enclosed on four sides, nor within five (5) feet of a source of ignition, nor below ground, nor below ground level, nor with the outlet less than five (5) feet away from any building opening which is below the level of such outlet. Cylinders:
Location

The discharge from safety valves shall be vented in such manner as to prevent any impingement of escaping LPG upon the vessel, and such discharge point shall be not less than five (5) feet, measured horizontally from any building opening which is below such discharge. Vents

(b) Each tank shall be located with respect to the nearest source of ignition or line of property adjoining, which may be built upon in accordance with the following table. Vessels and first-stage regulating equipment carrying more than 20 psi pressure shall be located outside the buildings, except as hereinafter provided. Each individual vessel shall be located with respect to the nearest important building or group of buildings or line of property adjoining, which may be built upon, in accordance with the following table:

Volumetric capacity of vessels (in U. S. gallons)	Minimum distance
Not more than 500 U. S. gallons	10 feet
501 to 1,200 U. S. gallons	25 feet
Over 1,200 U. S. gallons	50 feet

(c) Regulating or filling equipment on tanks filled on consumers' premises shall not be less than 15 feet from any open-

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

ing into or under a building where such opening is below the level of the outlets of such regulating or filling equipment.

(d) Readily ignitable material shall not be permitted within ten (10) feet of any vessel, regulator, or vaporizer.

Charging

18826. No cylinder shall be charged within ten (10) feet of any building in an auto court and resort or motel.

CHAPTER 6. MISCELLANEOUS PROVISIONS

Guest
register

18875. Every person who owns or operates an auto court and resort shall keep a register in which shall be entered (a) the name and address of each guest who is the owner or operator of an automobile, and the name and address of each member of his party, for which accommodations are afforded in an auto court and resort, (b) the make, type and license number of the automobile, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration.

Lighting

18876. In every auto court and resort there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the auto court and resort.

Electric
wiring, etc.

18877. In every auto court and resort electric wiring, fixtures, and equipment shall be installed in a safe and approved workmanlike manner, and maintained to the satisfaction of the enforcement agency.

Animals
and poultry

18878. Dogs and barnyard animals including poultry, shall not be permitted to run at large in any auto court or resort.

Exceptions

18879. This part does not apply to any supervised public park, public campground, or picnic ground owned, operated, or maintained by any of the following:

(a) The Federal Government.

(b) The State.

(c) Any agency or political subdivision of the State.

Same

18880. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel" as defined in Section 18502 shall not be considered subject to Part 1.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

CHAPTER 7. VIOLATIONS

Penalty

18895. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars (\$200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

NOTE: For legislative history of sections, see note at beginning of Division 13, Part 2 (commencing Section 18000).

PART 2.5. STATE BUILDING STANDARDS COMMISSION

(Part 2.5 added by Stats. 1953, Ch. 1500)

18900. There is in the Department of Public Works a State Building Standards Commission consisting of the Director of Public Works, who shall be the chairman; three members to be appointed by and serve at the pleasure of the Governor from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; and three members to be appointed by and serve at the pleasure of the Governor from among local government officials. The commission shall elect a vice chairman annually from among its members.
(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 1807.)

State
Building
Standards
Commission

18901. The commission shall adopt, amend and publish a single code of all administrative regulations of state agencies relating to building standards, which code may include, amend and publish therein portions of said administrative regulations or of applicable building codes by means of reference.

Regulations

The commission may publish an index and reference guide to the administrative regulations and statutes relating to building standards. The publication of such index and reference guide shall not nullify nor supersede any existing regulation legally adopted by any state agency.

Index and
guide

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1955, Ch. 1715, and by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18902. Every state officer and employee authorized by law to adopt any rule or regulation relating to or repealing building standards shall do so only through and with the approval of the commission.

Approval

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18903. It is the purpose of this part to provide the means for eliminating duplication, conflict and overlapping in state building regulations and not to substitute the commission for the responsibilities now vested by law in various state agencies. To that end each state agency concerned shall continue to prepare such building regulations as it is authorized and finds necessary, but such regulations shall not be effective until approved by the commission.

Intent

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18904. The commission may withhold approval and require change in any proposed regulation only if it finds duplication, conflict or overlapping between proposed and existing regulations, or when the nomenclature or arrangement does not conform to that adopted by the commission. The commission shall not require any substantive change unless such change is necessary because of duplication, conflict, overlapping, nomen-

Denial of
approval

clature, or arrangement, nor may it withhold approval on substantive grounds alone. The commission may advise all other state agencies concerned with respect to existing as well as proposed regulations and may make recommendations to eliminate conflicts and to assure consistency and uniformity of all statewide building standards.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

Responsi-
bility

18905. The responsibility for enforcing or supervising the enforcing of state building regulations shall remain as vested by law.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

State
Building
Standards
Code

18906. The commission in co-operation with all state agencies concerned, shall promulgate and publish a State Building Standards Code which shall, when completed and published, supersede all then existing regulations relating to building standards issued by individual state agencies. The code may contain references to state laws relating to building standards. Thereafter the commission may approve and publish amendments to the code not oftener than once each 90 days, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

"Building
standard"

18906.3. For the purpose of this part the term "building standard" means any adopted state administrative regulation pertaining to the construction, alteration or improvement of a "building" as defined in Section 18906.4.

(Added by Stats. 1959, Ch. 495. In effect May 22, 1959.)

"Building"

18906.4. For the purpose of this part "building" means any structure as to which state agencies have regulatory power, built for support, shelter, housing or enclosure of persons, animals, chattels, equipment, or property of any kind, and also includes structures wherein things may be grown, made, produced, kept, handled, stored, or disposed of. All appendages, accessories, apparatus, appliances and equipment built in or installed as a part of a building or structure shall be deemed to be a part thereof, but "building" shall not include any tunnel, mine shaft, highway, or bridge, or include any house trailer or vehicle which conforms to the Vehicle Code.

(Added by Stats. 1959, Ch. 495. In effect May 22, 1959.)

Compen-
sation

18907. The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid actual necessary travel expenses.

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18908. The State Building Standards Code and all amendments and publications relating thereto shall be published in suitable looseleaf form and shall be made available to the public at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection. The code and its amendments shall be published by the Division of Administrative Procedure after approval by the commission. Publication

(Added by Stats. 1953, Ch. 1500; amended by Stats. 1959, Ch. 495. In effect May 22, 1959.)

18909. The commission shall biennially submit a report of its activities, together with recommendations for legislation, to the Governor and the Legislature. Report

(Added by Stats. 1953, Ch. 1500.)

18910. All meetings of the commission shall be open and public. Meetings

(Added by Stats. 1957, Ch. 2220.)

18911. All records of the commission shall be open to inspection by the public during regular office hours. Records

(Added by Stats. 1957, Ch. 2220.)

PART 3. MISCELLANEOUS

CHAPTER 1. SCOPE AND APPLICATION

19000. Any provision in this part which is inconsistent with any provision in the State Housing Act is inapplicable to buildings subject to that law. Scope of part

CHAPTER 2. EARTHQUAKE PROTECTION

Article 1. Scope and Application

19100. This chapter does not apply to any of the following buildings: Exceptions

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, livestock, hay, grain, or farm machinery and supplies, and located wholly or in part within the limits of a city or city and county.

(d) Any building under construction on and prior to May 26, 1933.

(e) Any building in an unincorporated area and used for human habitation and of wood frame construction and not more than two stories in height, in which the span between bearing walls does not exceed twenty-four feet (24'), no room in which contains an area of more than one thousand square

feet (1,000 sq. ft.), and which is located in a labor camp as defined in Section 2410 of the Labor Code.

(Amended by Stats. 1955, Ch. 1491.)

Local
standards

19101. Any city, city and county, or county may establish by ordinance construction standards higher than those established by this chapter.

Article 2. Enforcement

In cities

19120. The building department of every city and city and county shall enforce this chapter within the city or city and county.

"Building
depart-
ment"

"Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Outside
cities

19121. The department, officer, or officers of a county who are charged with the enforcement of ordinances or laws regulating the erection, construction, or alteration of buildings shall enforce this chapter within the county but outside the territorial limits of any city.

Local
designation

19122. Any city or county may, by ordinance, designate any department or officer, other than a department or officer mentioned in this chapter, to enforce all or any part of this chapter.

County
enforcement

19123. In any city where there is no department or officer charged with or designated for the enforcement of this chapter, the appropriate department, officer, or officers of the county in which such city is located shall enforce this chapter.

In any county where there is no department or officer charged with or designated for the enforcement of this chapter, this chapter shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

(Added by Stats. 1941, Ch. 301.)

State
enforcement

19124. The Division of Housing in the Department of Industrial Relations may enforce any provision of this chapter which it finds is being violated in a building hereafter constructed, after it has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation within the following 10 days. In such cases where the division processes applications for building permits the fees prescribed in this chapter shall be payable to the division.

(Added by Stats. 1955, Ch. 1775.)

Article 2a. Building Permits

(Article 2a added by Stats. 1941, Ch. 1097)

Permit
required

19130. No person shall construct a building subject to this chapter unless he has obtained a written permit for that purpose from the appropriate enforcement agency.

(Added by Stats. 1941, Ch. 301.)

19131. Any person desiring a permit shall file an application therefor with the appropriate enforcement agency, which application shall contain: Application

- (a) The name and address of the applicant.
- (b) A detailed written statement of the work to be done.

(Added by Stats. 1941, Ch. 301.)

19132. The applicant shall file with his application: Filing with application

- (a) A complete set of the plans of the work proposed.
- (b) A set of specifications describing the materials to be used in the work.

(c) The fee prescribed for filing an application for a building permit.

(Added by Stats. 1941, Ch. 301; amended by Stats. 1945, Ch. 1147.)

19132.3. The following are the fees which shall be paid on filing an application for a permit: Fees

(a) If the work to be done will not exceed fifty dollars (\$50) in cost, no fee is required.

(b) If the work to be done will exceed fifty dollars (\$50) in cost, the fee is two dollars (\$2) if the cost does not exceed one thousand one dollars (\$1,001), and an additional two dollars (\$2) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of one thousand one dollars (\$1,001) to and including fifteen thousand dollars (\$15,000).

(c) If the work to be done will exceed fifteen thousand dollars (\$15,000) in cost, the fee is thirty dollars (\$30), and an additional one dollar (\$1) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifteen thousand dollars (\$15,000) to and including fifty thousand dollars (\$50,000).

(d) If the work to be done will exceed fifty thousand dollars (\$50,000) in cost, the fee is sixty-five dollars (\$65) and an additional fifty cents (\$0.50) for each additional one thousand dollars (\$1,000) or fraction thereof in excess of fifty thousand dollars (\$50,000).

Whenever the governing body of any city or county determines that the expenses of the enforcement agency subject to its jurisdiction incurred in the issuing of permits, including examining the applications, plans, and specifications filed with the enforcing agency, are not met by the fees prescribed in this section, such governing body may adopt an ordinance prescribing such fees for filing applications as will pay the expenses of the enforcement agency incurred in issuing permits pursuant to this chapter.

(Added by Stats. 1945, Ch. 1147.)

19132.5. Where work for which a permit is required by this chapter is started or proceeded with prior to the obtaining of such permit, the fees prescribed in Section 19132.3 shall be doubled. The payment of such double fee does not relieve any person from fully complying with the requirements of this chapter in the execution of the work. Fees where work started prior to obtaining permit

(Added by Stats. 1945, Ch. 1147.)

Fees based
on estimated
cost
Records

19132.7. The enforcement agency shall determine the cost of the work to be done for which the applicant desires a permit, and shall be guided by approved estimating practices. The enforcement agency shall keep a permanent account of all fees received under this chapter, the names of the persons upon whose account the same were paid, the date and the amount thereof, and the location of the building or premises to which they relate. All fees received shall be paid into the treasury of the city or county.

(Added by Stats. 1945, Ch. 1147.)

Exemption
from fees

19132.9. The United States, the State of California, school districts, counties and cities shall not be required to pay a fee for filing an application for a building permit pursuant to this chapter.

(Added by Stats. 1945, Ch. 1147.)

Examination

19133. The enforcement agency shall examine the application, plans, and specifications filed with it by an applicant, and if it appears that the work to be done will not result in a violation of this chapter, shall approve them and issue a permit to the applicant.

(Added by Stats. 1941, Ch. 301.)

Changes

19134. The enforcement agency may approve changes in any application, plans, or specifications previously approved by it.

(Added by Stats. 1941, Ch. 301.)

Revocation

19135. The enforcement agency may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this chapter, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

Work
authorized

19136. The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

Violations

19137. The issuance of a permit does not constitute approval of any violation of any provision of this chapter.

(Added by Stats. 1941, Ch. 301.)

Filings under
State Housing
Act

19138. In any case where a building subject to this chapter is also subject to the permit provisions of the State Housing Act, it shall not be necessary to make duplicate filings of plans and specifications hereunder, to include in the application a detailed statement of the work to be done, nor shall it be necessary to pay a fee for filing an application for a building permit under this chapter if a fee is prescribed by local ordinance for a permit under the State Housing Act. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to the application, plans, and specifications filed under the State Housing Act.

(Added by Stats. 1941, Ch. 301; amended by Stats. 1945, Ch. 1147.)

Article 3. Design and Construction

19150. Every building of any character, except a building to which this chapter does not apply, constructed in any part of this State shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

Horizontal
force re-
sistance

(a) Two percent of the total vertical design load for buildings over 40 feet in height from the top of their foundations, and three percent (3%) of the total vertical design load for buildings less than 40 feet in height from the top of their foundations.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than 60 feet in height, and 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building 60 feet or less in height.

(Amended by Stats. 1941, Ch. 1065, and by Stats. 1953, Ch. 1766.)

19151. In computing the resistance of any building to horizontal forces, the stresses resulting from the combined vertical and horizontal forces shall not exceed one and one-third times the allowable working stresses.

Computation

“Allowable working stresses” means stresses specified by:

(a) An ordinance of the locality in which the building is situated.

“Allowable
working
stresses”

(b) The Division of Architecture in the State Department of Public Works for the locality in which the building is situated, if the locality has no ordinance on the subject.

Article 4. Violations

19170. Any person who violates, or causes or permits another person to violate, any provision of this chapter is guilty of a misdemeanor.

Penalty

(Amended by Stats. 1941, Ch. 301.)

CHAPTER 3. AIR SPACE IN SLEEPING ROOMS

19300. Every room used for sleeping purposes in any building or structure within any city shall contain at least 500 cubic feet of air space for each occupant. If any such room contains less air space, any owner, lessor, lessee, landlord, tenant, or occupant of the room is guilty of a misdemeanor.

Air space

CHAPTER 4. HOTEL BEDDING AND SANITATION

Article 1. Definitions

19400. “Hotel,” as used in this chapter, includes a lodging house, rooming house, or other building or structure maintained, advertised, or held out to the public as a place where

“Hotel”

sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals.

"Bedding"

19401. "Bedding," as used in this chapter, includes bedclothes, bedcovering, mattresses, quilts, blankets, sheets, pillows, pillow slips, and comforters.

Article 2. Enforcement

Enforcement

19420. The State Department of Public Health and the local health officers shall enforce this chapter.

Article 3. Bedding

Supply 19440. Every bed used in any hotel shall be provided with a sufficient supply of bedding.

Change 19441. Clean sheets and pillow slips shall be supplied for each bed in an hotel at least as often as the bed is assigned to a different person.

Sheet dimensions 19442. Sheets on single beds in an hotel shall be at least 50 inches wide and 98 inches long. Sheets on all other beds in an hotel shall be at least 81 inches wide and 98 inches long.

Sanitation 19443. All bedding used in any hotel shall be kept clean, and shall be free from filth or dirt.

Worn bedding 19444. Bedding which is worn out or unfit for use by human beings shall not be used in any hotel.

Article 4. Sanitation

Towels 19470. In every hotel in which there is a public washstand or washbowl, there shall be a sufficient supply of clean, individual towels for the use of, and visible and easily accessible to, persons who may use the washstand or washbowl.

Ventilation 19471. Every room used for sleeping purposes in any hotel shall be properly and sufficiently ventilated by means of a window, transom, or other device.

Fumigation 19472. Any room in any hotel which is infected with bedbugs or other vermin shall be fumigated, disinfected, and renovated until the bedbugs or other vermin are exterminated.

Sanitation 19473. The walls, floor, ceiling, doors, and other portions of every room used for sleeping purposes in any hotel shall be kept free from dirt or filth.

Article 5. Violations

Penalty 19500. Every owner, lessee, manager, or person in charge of any hotel who violates, or permits a violation of, this chapter is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or imprisonment for not more than three months.

He is guilty of a separate offense for each day that he commits or permits a violation.

CHAPTER 5. GAS ILLUMINATION IN RENTED ROOMS

19600. Unless the exit orifices on the gas fixtures in the building are connected with a practical and safe automatic gas igniter, every keeper of an hotel, lodging house, or other building or structure containing rooms rented to lodgers, in which illuminating gas is used, who turns off, or causes the turning off of, the flow of the gas at the meter during the time that any room is in use is guilty of a misdemeanor. Turning off
gas at meter

CHAPTER 6. EXIT AND STAIRWAY SIGNS IN HOTELS, ETC.

19700. The owner, lessee, manager or other person in control or in charge of any hotel, lodging house, or rooming house shall place and maintain in conspicuous places in the halls of the building signs directing the way to exits and stairways. He shall also post notices in a conspicuous place in each room giving location of and direction to nearest fire escape or other safety exit. Signs and
notices

(Amended by Stats. 1947, Ch. 110.)

19702. Any person who violates this chapter is guilty of a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding three months, or by both. Penalty

CHAPTER 7. REFRIGERANTS AND REFRIGERATION PLANTS

(Chapter 7 added by Stats. 1941, Ch. 987)

19800. Refrigeration manufacturers shall hereafter on each mechanical refrigerator and refrigeration plant which they manufacture and installation companies shall on each refrigeration plant which they install place a label designating the type of refrigerant the unit uses and, if the refrigerator has a refrigerating unit which contains more than 20 pounds of refrigerant and is of a type which can not readily be transported without disconnecting the piping or other part thereof containing refrigerant, shall label the control and diffusion valves of the unit, if any, so that any person in case of emergency will be able to turn off or shut down the plant or refrigerator quickly and expeditiously. Each violation of this section is a misdemeanor. Refrigera-
tion

(Added by Stats. 1941, Ch. 987.)

CHAPTER 8. INFLAMMABLE OR EXPLOSIVE MATERIALS

(Chapter 8 added by Stats. 1945, Ch. 20)

19810. (a) "Article" as used in this chapter means and includes any article of wearing apparel, cloth, drapery or other fabric or material made from or containing any natural or synthetic fiber. "Article"

"Vendor"

(b) "Vendor" as used in this chapter means any individual, firm or corporation engaged in the manufacture for sale or the sale of articles as herein defined.

"Inflam-
mable
article"

(c) "Inflammable article" as used in this chapter is any article made from or containing natural or synthetic fiber and determined by the Fire Marshal to be so highly inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property, taking into consideration the use or uses for which the article is made and designed to serve.

"Use of
inflammable
fibers"

(d) It has recently come to notice that of the various natural or synthetic fibers adapted and adaptable for use in the making of articles, as herein defined, some are so inflammable as to constitute a dangerous risk of fire and hazard of injury to persons and property. Provision should be made for the avoidance of such risks and hazards by preventing the use of such highly inflammable fibers. It is not feasible by statute to prescribe more specific tests than those herein prescribed, for it would appear that none such have yet been fully developed. It is necessary, therefore, to commit to the State Fire Marshal the conduct of research in these matters, the development of tests for these materials, and the administration of the provisions of this chapter for the prevention of the risks and the avoidance of the hazards described.

Research
and tests

(Added by Stats. 1945, Ch. 20; repealed and added by Stats. 1945, Ch. 728; amended by Stats. 1947, Ch. 793.)

Fire Mar-
shal: Investi-
gations

19811. The Fire Marshal of the State of California or any Deputy State Fire Marshal has right of access to the premises of any vendor during business hours for the purpose of determining whether inflammable articles are being manufactured or offered for sale therein and may take either an entire article or samples thereof in such quantities as may be necessary for analysis.

(Added by Stats. 1945, Ch. 20; repealed and added by Stats. 1945, Ch. 728.)

Tests of
articles or
samples

19812. Any article or samples taken under the provisions of Section 19811 hereof shall be subjected to tests by the Fire Marshal and determination made by him as to whether or not the article or samples are inflammable articles as defined in Section 19810.

(Added by Stats. 1945, Ch. 728.)

Rules and
regulations

19813. The State Fire Marshal may make such rules and regulations relating to inflammable articles as defined in Section 19810 as may reasonably be necessary to effectuate the purposes of this act and prevent the risk of fire and avoid the hazards of injury to life and property in this chapter described. He shall mail copies of all rules and regulations and amendments thereto to all vendors and trade associations filing a written request for such notification with him.

(Added by Stats. 1945, Ch. 728.)

Seizure of
inflammable
articles

19814. Any inflammable article in the possession of any vendor in violation of the rules or regulations of the State Fire

Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any inflammable article seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provision of Section 19815, whichever is the later.

(Added by Stats. 1945, Ch. 728.)

19815. Any vendor whose property is seized under the provisions of Section 19814 may within 10 days after such seizure petition the State Fire Marshal to return the property seized upon the ground that such property was illegally or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 60 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the Fire Marshal shall be served upon the petitioner. The Fire Marshal may order the property seized under this act disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the property seized by the Fire Marshal.

Return of
seized
articles

(Added by Stats. 1945, Ch. 728.)

19816. Any vendor who knowingly and wilfully violates any rule or regulation of the Fire Marshal relating to inflammable articles shall be guilty of a misdemeanor.

Penalty

(Added by Stats. 1945, Ch. 728.)

NOTE: Stats. 1945, Ch. 728, also contained the following provision:

SEC. 9. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act, irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

CHAPTER 9. LOCAL BUILDING REGULATIONS

(Chapter 9 added by Stats. 1951, Ch. 1285)

19825. (a) The provisions of Part 1 (commencing at Section 15000) of this division and of Chapter 1 (commencing at Section 19000), Chapter 2 (commencing at Section 19100), and Chapter 3 (commencing at Section 19300) of Part 3 of this division shall not apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; such local ordinance shall supersede such provisions of this division.

Application
of provisions

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of Chapters 3 (commencing at Section 15250) and 4 (commencing at Section 15351) of Part 1 of this division or a reduction in the maintenance, sanitation or occupancy provisions of Part 1 of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force and effect and so notifies the state department presently charged with enforcement of the provision of this division if a state department be so charged.

(Added by Stats. 1951, Ch. 1285; amended by Stats. 1957, Ch. 1620. In effect July 8, 1957.)

Application

19826. All of the provisions of this chapter apply to a county having and enforcing a local ordinance prescribing minimum standards equal to or greater than those provisions of Part 1 of this division and of Chapter 1 and Chapter 2 of Part 3 of this division which otherwise would apply to such county.

(Added by Stats. 1953, Ch. 1545.)

Same

19827. If a county ordinance as described in this chapter applies to only a portion of the unincorporated territory of such county, all of the provisions of this chapter shall apply to such portion of such unincorporated territory.

(Added by Stats. 1953, Ch. 1545.)

DIVISION 14. POLICE PROTECTION

PART 1. POLICE PROTECTION DISTRICTS

CHAPTER 1. IN UNINCORPORATED TOWNS

Article 1. Definitions and General Provisions

"District"

20000. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Board"

20001. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.

"District board"

20002. "District board," as used in this chapter, means the board of police commissioners of a district.

"Commissioner"

20003. "Commissioner," as used in this chapter, means a member of the district board.

Reference

20004. Any reference in this chapter to a county or county officer is a reference to the county or officer of the county in which a district is situated.

Errors, etc.

20005. No tax levied, assessed, or collected, and no election held, pursuant to this chapter is illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with this chapter.

"Precinct area"

20006. A "precinct area" as used in this chapter means, with respect to the proceedings for the formation of an unincorporated town as a police protection district, an election precinct or such portion thereof as is located within the boundary of such town at the time that the petition for the formation of that town as a police protection district is presented to the board.

(Added by Stats. 1949, Ch. 1524.)

20007. No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or organized pursuant to, this chapter shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter.

(Added by Stats. 1959, Ch. 1166.)

Article 2. Petition and Formation

(Article heading amended by Stats. 1951, Ch. 896)

20025. Any unincorporated town may, pursuant to this article, be formed into a district to protect and safeguard life and property and may equip and maintain a police department, including purchasing and maintaining ambulances, and otherwise securing police protection.

(Amended by Stats. 1949, Ch. 1524, and by Stats. 1953, Ch. 1570.)

20026. Proceedings for the formation of a district are initiated whenever 50 or more persons who are taxpayers and residents of an unincorporated town present a petition to, and at a regular meeting of, the board of the county in which the town is situated.

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

20027. The board shall fix a time and place for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition.

20028. At least seven days before the date set for the hearing, the clerk of the board shall post notices of the presentation and hearing of the petition in three of the most public places in the proposed district. The notices shall be headed, "Notice of the Proposed Formation of ----- Police Protection District" (stating the name of the proposed district), in letters not less than one inch in height. They shall set forth in legible characters:

(a) The fact and date of the presentation of the petition.

(b) The time and place set for hearing the petition and protests.

(c) The boundaries of the proposed district.

(d) A reference to the petition for further particulars.

20029. The clerk of the board shall also publish a notice, similar in substance to the notices required to be posted, at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in

Prohibition
against
creation

Formation

Petition

Contents

Time of
hearing

Notice:
Posting

Publication

which the proposed district is situated and designated by the board. The publication during the second week shall be made at least seven days before the date set for the hearing.

Protests

20030. Any person interested in the proposed district who has any objection to its formation or extent, or to the inclusion of his property, may file a written protest setting forth his objection with the clerk of the board at or before the time set for hearing the petition.

The clerk shall note on each protest the date of its receipt by him, and shall present the protest to the board at the time fixed for the hearing.

Hearing

20031. The board shall hear and pass upon the petition and every protest at the time fixed in the notices of hearing, or at any time to which the hearing may be continued.

Boundaries

20032. If any protest filed sets forth an objection to the extent of, or the inclusion of property in, the proposed district, the board at the hearing shall define and establish the boundaries. To that end, it may make such changes in the proposed boundaries of the district as it finds are proper and advisable. However, it shall not:

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be substantially benefited by the district.

(c) Include any territory which will not, in its judgment, be benefited by the district.

(d) Include any precinct area when two-thirds of the persons who are registered voters therein petition the board to exclude that area.

(Amended by Stats. 1949, Ch. 1524.)

Petition

20032.1. In the event that two-thirds of the persons who are registered voters in one or more precinct areas within the proposed district, petition the board to exclude their precinct area or precinct areas pursuant to Section 20032, the board shall thereupon determine whether the remaining precinct areas in the proposed district would constitute a feasible unit for a district.

**Determina-
tion**

(a) If the board determines that the remaining precinct areas would constitute a feasible unit for a district, it shall proceed in accordance with this chapter.

**Rejection of
petition**

(b) If the board determines that the remaining precinct areas would not constitute a feasible unit for a district, it may reject the formation petition and all proceedings thereupon shall be terminated.

(Added by Stats. 1949, Ch. 1524.)

**Jurisdiction
to proceed**

20033. The board acquires jurisdiction to proceed further pursuant to this chapter at the time fixed for the hearing of the petition, if no protest is filed; or after the boundaries of the proposed district are defined and established, if a protest is filed.

20034. Within 30 days after acquiring jurisdiction to proceed further, the board shall by resolution call an election as provided in Article 2.5 of this chapter. Election

(Amended by Stats. 1951, Ch. 896.)

20035. (Repealed by Stats. 1951, Ch. 896.)

20036. The order establishing the district shall be entered in the minutes of the board and shall be prima facie evidence of: Order establishing district

(a) The presentation of a proper petition to the board.

(b) The fact that at the time he signed the petition and at the time of its presentation each petitioner was a taxpayer and resident of the territory occupied by the district.

(c) The fact and regularity of all prior proceedings required by this article.

(Amended by Stats. 1951, Ch. 896.)

20037. (Repealed by Stats. 1951, Ch. 896.)

Article 2.5. Election on Formation

(Article 2.5 added by Stats. 1951, Ch. 896)

20040. The board shall call and give notice of an election to be held in the proposed district to determine whether the district shall be formed, and to elect the commissioners who shall serve as the first district board. Election

(Added by Stats. 1951, Ch. 896.)

20041. The notice of the formation election shall contain: Notice: Contents

(a) The date of the election.

(b) A description of the boundaries of the proposed district.

(c) The name of the proposed police protection district, which shall contain the words "Police Protection District of _____ County" (stating the name of the county in which the district is to be located).

(d) A statement that the commissioners who will serve as the first district board will be elected.

(Added by Stats. 1951, Ch. 896.)

20042. The county clerk shall publish the notice of election once a week for at least two weeks prior to the formation election, in a newspaper printed and published in the district, if any, and if none, shall give such notice by posting the notice in three public places within the district for at least three weeks immediately preceding the election. Same: Publication

(Added by Stats. 1951, Ch. 896.)

20043. At the formation election the first directors shall be elected and the following measure shall be submitted: "Shall the proposition to form _____ Police Protection District of _____ County be adopted?" Same: Question

(Added by Stats. 1951, Ch. 896.)

20044. No person shall be a candidate for the district board unless he is a resident within the boundaries of the proposed district. Qualifications of candidates

(Added by Stats. 1951, Ch. 896.)

20045. The election shall be conducted, candidates nominated, the votes canvassed, and the results declared as provided Election law

by the Elections Code for election of county officers, insofar as applicable and not inconsistent with this chapter. Each person voting at the formation election shall be entitled to cast three votes for candidates for members of the first district board. The three candidates receiving the highest number of votes shall be elected as the first district board if the district is formed.

(Added by Stats. 1951, Ch. 896.)

Order of
formation

20046. If a majority of votes cast are in favor of forming the district, the board of supervisors shall by an order entered on its minutes declare the district formed under the name designated for it.

(Added by Stats. 1951, Ch. 896.)

Voter
qualification

20047. No person is entitled to vote on the question of formation of a district, or for the first board of commissioners, unless such person is a voter within the meaning of the Elections Code, and a resident within the boundaries of the proposed district.

(Added by Stats. 1951, Ch. 896.)

Article 2.6. Annexation

(Article 2.6 added by Stats. 1951, Ch. 896)

Territory
subject to
annexation

20050. Any territory which is not a part of another police protection district, and which is contiguous to an existing district in the same county, may be annexed to that district.

(Added by Stats. 1951, Ch. 896.)

Petition:

20051. Proceedings for annexation of territory to a district shall be initiated by filing with the board a petition signed by at least 10 percent of the qualified electors residing in the territory proposed to be annexed. Such petition shall designate specifically the boundaries of the territory proposed to be annexed, state its assessed valuation as shown by the last equalized assessment roll, and request that the territory be annexed to the district.

(Added by Stats. 1951, Ch. 896.)

Publication

20052. The petition shall be published at least once each week for two weeks in a newspaper of general circulation within the county, together with a notice stating the time and place at which the petition will be presented to the board and that all persons interested may appear and be heard.

(Added by Stats. 1951, Ch. 896.)

Hearing

20053. At the time specified for the hearing the board shall hear the petition and may adjourn the hearing from time to time. The board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any area that would be benefited by annexation to the district, nor shall any area that will not be benefited by annexation be included within the boundaries of the territory proposed to be annexed.

(Added by Stats. 1951, Ch. 896.)

Order of
approval

20054. Upon the final hearing of the petition the board, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries

of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the district.

(Added by Stats. 1951, Ch. 896.)

20055. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the district. This order shall be entered in the minutes and is conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of the petition qualified to sign.

Election
date

Evidence
of order

(Added by Stats. 1951, Ch. 896.)

20056. If a majority of the votes in the district and a majority of the votes in the territory proposed to be annexed are in favor of annexation, the board shall by resolution make an order annexing the territory to the district. The order shall be entered in the minutes of the board and be prima facie evidence of regularity of all prior proceedings relating to the annexation.

Approval

Evidence
of order

(Added by Stats. 1951, Ch. 896.)

20057. If the result of the election is against annexation the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition.

Disapproval

(Added by Stats. 1951, Ch. 896.)

Article 3. Administration

20060. A district shall be governed by a district board of three commissioners, each of whom shall be a resident of the district.

Board

20061. Each of such commissioners shall hold office until his successor is elected and has qualified pursuant to this article.

Terms

(Amended by Stats. 1951, Ch. 896.)

20062. The commissioners first elected shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding the election; one on the second Monday of April of the second year succeeding the election; and one on the second Monday of April of the third year succeeding the election.

Same:
Staggering

(Amended by Stats. 1951, Ch. 896.)

20063. On the first Tuesday of April of the year next succeeding the first election, and on the first Tuesday of April annually thereafter, one commissioner shall be elected for a term commencing on the next succeeding Monday in the same month and terminating at the end of three years and when his successor is elected and has qualified.

Annual
election

(Amended by Stats. 1957, Ch. 1102.)

20063.1. If, on the fortieth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be

Election
canceled:
Appoint-
ments

filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

Notices In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

(Added by Stats. 1953, Ch. 1889.)

Election law 20064. Except as otherwise provided in this article, an election for a commissioner shall be conducted pursuant to the general election laws of the State.

Notices 20065. The district board shall call an election and shall post notices of the election in three public places within the district for at least two weeks before the day of the election.
(Amended by Stats. 1951, Ch. 896.)

Judges 20066. The district board shall appoint judges of election to conduct the election. Within 24 hours after the election, the judges of election shall report and certify to the district board the number of votes cast for each person voted for.

Canvass of returns 20067. Within five days after it receives the returns from the judges of the election, the district board shall canvass the returns, determine who has been elected, and forthwith issue a certificate of election to each person elected.

Vacancy 20068. A vacancy occurring in the office of an elected commissioner shall be filled by an appointment of the board.

Compensation 20069. Every commissioner shall serve without compensation.

Rules and regulations 20070. The district board shall adopt all rules and regulations necessary for the administration, operation, and maintenance of the district.

Employees 20071. The district board shall determine the number of employees, if any, necessary for the proper care and protection of the life and property of residents in the district. It shall appoint all district employees and prescribe their duties and compensation. All such employees shall hold their positions at the pleasure of the district board.

20071.5. The district may contract with a municipality **Contracts** within the county in which the district is located or with the county for the furnishing of police protection service by any police agency of the municipality or county.

(Added by Stats. 1949, Ch. 1524.)

20072. For the purpose of housing its police equipment and **Police station** apparatus, and for housing its ambulances, the district board may acquire land and erect a police station; or acquire land on which a police station, or a building suitable for a police station, has been erected.

(Amended by Stats. 1953, Ch. 1570.)

20073. Before acquiring any real property for a police **Submission to voters** station, the district board may submit to the voters in the district at a special election, or at the annual election for a commissioner, the proposition whether or not land shall be acquired and a police station built thereon; or whether or not land on which a police station, or a building suitable for a police station, has been erected shall be acquired. The approval or disapproval of the voters shall be binding upon the district board.

20074. All real property for a police station acquired pursuant to this article shall be conveyed to and held in the name of the "Board of Police Commissioners of the Police Protection District -----" (naming the district). **Title to property**

20075. The district board may pay for any real property **Payment for property** it acquires for a police station out of money derived from the annual district tax, or out of money derived from a special tax approved by the voters in the district at an election. The procedure and conduct of an election for the approval of a special tax shall conform to that specified in this chapter for the approval of a special tax for the establishment and equipment of a police department.

20076. The district board may dispose of any real property **Disposal of property** acquired for a police station. The disposition shall, however, be first approved by the voters in the district at an election, if the property was acquired pursuant to their approval at an election. The proceeds from the disposition shall be exclusively devoted to the purchase of other real property.

20077. The district board may make and award contracts **Contracts** and may sue and be sued in the name of the district.

20078. The district board shall keep a correct record of all **Records** its acts and proceedings, and of all its receipts and disbursements. For that purpose, it shall procure all necessary books and blanks.

The books of the district board shall be open to public inspection at all times.

20079. Each commissioner shall, at the expiration of his term of office, turn over to his successor all books and documents in his possession belonging to the district board and take a receipt therefor. **Books and documents**

Payment
of bills

20080. All accounts, bills, and demands against the district shall be audited, allowed, and paid by the district board by warrants of the county auditor drawn on the county treasurer upon orders of the district board. The county treasurer shall honor the warrants in the order in which they are presented.

Other duties

20081. In addition to the duties specified in this chapter, the district board shall perform such other duties as are proper and necessary to carry out this part.

Article 4. Taxation

Special tax
election

20101. The district board shall call an election at which it shall submit to the voters in the district the question whether a special tax shall be levied for establishing and equipping a police department for the protection of life and property in the district.

Notice

20102. The election shall be called by posting notices in three of the most public places in the district for not less than 10 days; and if there is a newspaper printed and published in the district, by publishing a notice in at least two regular issues of the newspaper.

Contents

20103. The notice shall specify the time and place of the election, and the amount required for the establishment and equipment of the police department.

Ballots

20104. The ballots used at the election shall contain the words "Tax—Yes," and "Tax—No."

Conduct of
election

20105. The district board shall appoint three judges and two clerks to conduct the election. The election shall be conducted as far as practicable pursuant to the general election law; but neither a new register nor legal ballot paper is required, and the polls may be opened at 8 o'clock a.m., and closed at 5 o'clock p.m. on the day of the election.

Vote report

20106. Within twenty-four hours after the election, the judges of the election shall report and certify to the district board the number of votes cast for and against the tax.

Report to
board

20107. If the majority of the votes cast are in favor of the tax, the district board shall report to the board the amount of money authorized to be raised.

Annual
estimate

20108. The district board shall make an annual estimate of the amount of money required during the ensuing fiscal year for the maintenance of any police department established in the district, and for the cost of any other thing necessary for carrying out this part; and shall submit it to the board not later than the first day of July of each year.

Annual tax

20109. At the time of levying the county taxes, the board shall levy a tax upon all the taxable property in the district sufficient to raise any amount reported to it pursuant to this article by the district board. The rate of the tax shall be ascertained by first deducting 15 per cent for anticipated delinquencies from the aggregate assessed value of the property appearing on the county assessment roll, and then dividing the amount reported by the remainder of the aggregate

assessed value. The tax shall be computed and entered on the assessment roll by the county auditor and collected at the same time and in the same manner as county taxes.

20110. Any amount of money raised for the establishment and equipment of a police station in a district by a special tax levied pursuant to this article shall not exceed in any one year 1 per cent of the assessed value of the taxable property in the district. Limit:
Special tax

20111. Any amount of money raised for the maintenance of a police department in a district by an annual tax levied pursuant to this article shall not exceed in any one year one-half of 1 per cent of the assessed value of the taxable property in the district. Annual tax

20112. All money collected pursuant to this article shall be paid into the county treasury for the use of the district. The county treasurer shall pay it out on warrants of the county auditor drawn on the county treasurer upon orders of the district board. Disposition
of money

20113. The county treasurer shall not receive any compensation for performing duties relating to the receipt and disbursement of money collected pursuant to this article. County
treasurer

Article 4.1 Claims

(Article 4.1 added by Stats. 1959, Ch. 1727)

20115. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

(Added by Stats. 1959, Ch. 1727.)

Article 4.5. Exclusion

(Article 4.5 added by Stats. 1949, Ch. 1524)

20120. The majority of the persons who are registered voters in a precinct area that is included in the district may file with the board a petition praying that the precinct area be excluded from the district. Petition

(Added by Stats. 1949, Ch. 1524.)

20120.1. The petition shall be acknowledged. Acknowl-
edgment

(Added by Stats. 1949, Ch. 1524.)

20120.2. The petition shall set forth all of the following: Contents

(a) The reasons why it is claimed that the precinct area should be excluded.

(b) A description of the precinct area.

(Added by Stats. 1949, Ch. 1524.)

20120.3. Upon receipt of a petition for exclusion, the board shall order the exclusion of the petitioning precinct area. Order of
board

(Added by Stats. 1949, Ch. 1524.)

Entry in
minutes

20121. When the board excludes any precinct area from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained.

(Added by Stats. 1949, Ch. 1524.)

Certified
copy

20121.1. A certified copy of the entry in the minutes of the board excluding any precinct area shall be filed for records in the county recorder's office.

(Added by Stats. 1949, Ch. 1524.)

Impairment

20121.2. No exclusion of a precinct area from any district impairs its existence, its rights, including those in or to property, or its obligations.

(Added by Stats. 1949, Ch. 1524.)

Vacancy

20121.3. If the precinct area excluded from any district embraces the property of a commissioner, the office of such commissioner shall be vacant at the expiration of 10 days from the final order of the board excluding the precinct area. The vacancy shall be filled by appointment by the board and the appointee shall hold office for the unexpired term of the commissioner whose office has been vacated.

(Added by Stats. 1949, Ch. 1524.)

Outstanding
obligations

20121.4. A precinct area excluded from a district shall be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded.

(Added by Stats. 1949, Ch. 1524.)

Discharge of
obligations

20121.5. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, a precinct area excluded shall be considered as part of the district the same as though the area had not been excluded.

(Added by Stats. 1949, Ch. 1524.)

Tax
exemption

20121.6. An excluded precinct area is not subject to tax or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of the petition for the exclusion of the precinct area from the district.

(Added by Stats. 1949, Ch. 1524.)

Article 5. Dissolution

Dissolution

20130. Any district may be dissolved by the board pursuant to this article.

Petition

20131. Proceedings for the dissolution of a district are initiated whenever a petition requesting dissolution and signed by fifty or more persons who are registered voters in the district, or by a majority of persons who are registered voters in the district, whichever number is the lesser, is filed with the board.

(Amended by Stats. 1949, Ch. 1524.)

Time of
hearing

20132. The board shall fix a time for hearing the petition on a date not less than 10 nor more than 30 days after the receipt of the petition.

20133. The board shall publish a notice of the hearing Notice at least a week prior to the time fixed therefor by one insertion in a newspaper of general circulation published in the district; or in a newspaper published in the county in which the district is located, if there is no newspaper published in the district.

20134. At the time fixed for the hearing, or at any time Hearing to which the hearing may be continued, the board shall hear and pass upon the petition and all objections to it made by persons interested. The board shall either deny the petition, or adopt a resolution calling an election upon the proposition of dissolving the district.

20135. A resolution calling a dissolution election shall: Election resolution

(a) Specify the date of the election, which shall be held not less than 20 days after the adoption of the resolution.

(b) Designate one or more election precincts within the district.

(c) Designate a polling place in each precinct.

(d) Designate the names of one judge, one inspector, and one clerk for each precinct, to act as election officers.

20136. In any particular not recited in the resolution, the Election law election shall be held pursuant to the law governing the holding of general elections in the county.

20137. The resolution shall be published once a week for Publication two successive weeks prior to the date set for the election in a newspaper of general circulation published in the district; or if there is no newspaper published in the district, in a newspaper published in the county in which the district is located and considered by the board to be the one most likely to give notice of the election to the voters. The resolution Posting shall also be posted in three of the most public places in the district at least 10 days prior to the date set for the election.

The only notice of the election required is that specified in this section.

20138. The ballots used at the election shall state in substance the following proposition: Ballots

“Shall the ----- Police Protection District in ----- County be Dissolved?” (stating the name of the district and the name of the county in which it is located).

Opposite the stated proposition shall be printed the words “Yes” and “No,” together with voting squares.

20139. Any resident of the district entitled to vote at a Electors general election may vote at the election on the proposition of dissolution.

20140. If a majority of the votes cast at the election are Result in favor of dissolution, the board shall enter a finding to that effect upon its minutes, and thereafter the district is dissolved.

20141. Upon the dissolution of a district any property of Vesting of property the district then lying within any city vests absolutely in that city; and any property then lying outside a city vests absolutely in the county.

Division
of funds

20142. The funds of a district on hand at the time of dissolution shall be divided between each city in which the property of the district then lies and the county, in the proportion that the total assessed value of the real property of the district in each city and of the real property outside a city bears to the total assessed value of all the real property in the district. The assessed value of the property shall be determined by a reference to the last equalized assessment roll of the county prior to the dissolution.

Use of
property
and funds

20143. The property and funds reverting to a county pursuant to this article shall be used for general police protection purposes in the county.

Powers of
supervisors

20144. The board of supervisors is, ex officio, the governing body of the former district and, to the extent necessary to terminate the district affairs, may exercise any of the powers of the former district.

(Added by Stats. 1959, Ch. 1166.)

CHAPTER 2. IN UNINCORPORATED TERRITORY

Article 1. Definitions

"District"

20300. "District," as used in this chapter, means a police protection district formed pursuant to this chapter or pursuant to any law which it supersedes.

"Board"

20301. "Board," as used in this chapter, means the board of supervisors of the county in which it is proposed to form a district, or in which a district has been formed.

Prohibition
against
creation

20302. No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or organized pursuant to, this chapter shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter.

(Added by Stats. 1959, Ch. 1166.)

Article 2. Formation

Area of
formation

20310. Any unincorporated territory may, pursuant to this article, be formed into a district for equipping and maintaining a police department to protect and safeguard life and property.

Petition

20311. Proceedings for the formation of a district are initiated whenever 51 per cent or more of the persons who are taxpayers and residents of unincorporated territory present a petition to, and at a regular meeting of, the board of the county in which the territory is situated.

The petition shall contain:

(a) A statement of the name and boundaries of the proposed district.

(b) A request for the formation of the district.

20312. The board shall fix a time for hearing the petition and all protests against it. The hearing shall be not less than 25 nor more than 30 days after the date of the presentation of the petition. Time of hearing

20313. The clerk of the board shall post notices of the hearing in three public places in the proposed district. The notices shall set forth: Notice: Posting

(a) The fact that a petition requesting the formation of a district has been presented.

(b) The proposed name and the boundaries of the district.

20314. A notice, similar to the notices required to be posted, shall be published at least once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the proposed district is situated. Publication

20315. At the hearing any person interested in the proposed district may file a written protest against its formation or extent, or against the inclusion of his property in the district. Protests

20316. The board may make such changes in the proposed boundaries of the district as it finds are advisable. However, it shall not: Boundaries

(a) Extend the proposed boundaries.

(b) Modify the proposed boundaries so as to exclude from the district any territory which will be benefited by the district.

(c) Include any territory which will not be benefited by the district.

20317. If, at the hearing, the board determines that the formation of the proposed district will be for the best interests of the unincorporated territory concerned, it shall form the district by a resolution describing its boundaries and giving it a name. Determination

Article 3. Administration and Taxation

20330. The members of the board are ex officio directors of the district. Directors

20331. The board may perform all acts necessary to provide adequate police protection in the district. Powers

20332. The board may levy a tax on property in the district sufficient to raise a sum not in excess of three thousand six hundred dollars (\$3,600) per annum. The tax shall be levied and collected in the same manner and by the same officers as in the case of county general property taxes. Annual tax

(Amended by Stats. 1945, Ch. 1091.)

Article 4. Withdrawal of Territory

(Article 4 added by Stats. 1953, Ch. 1848)

20340. Any portion of a district which will not be benefited by remaining within the district may be withdrawn from the district. Withdrawal

(Added by Stats. 1953, Ch. 1848.)

Petition

20341. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board of supervisors requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district.

(Added by Stats. 1953, Ch. 1848.)

Time for hearing

20342. The board of supervisors shall fix a time for hearing the petition and for hearing protests to the continuance of the remaining territory as a district. The time for hearing shall not be less than 10 nor more than 30 days after the receipt of the petition.

(Added by Stats. 1953, Ch. 1848.)

Notice:
Publication

20343. The board shall, at least a week prior to the time so fixed, publish a notice of hearing pursuant to Section 6061 of the Government Code in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

(Added by Stats. 1953, Ch. 1848; amended by Stats. 1957, Ch. 357.)

Notice:
Posting

20344. The notice shall also be posted in three public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.

(Added by Stats. 1953, Ch. 1848.)

Objections

20345. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.

(Added by Stats. 1953, Ch. 1848.)

Hearing

20346. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

(Added by Stats. 1953, Ch. 1848.)

Property
title

20347. Upon the withdrawal of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

(Added by Stats. 1953, Ch. 1848.)

Withdrawal
upon
inclusion
within city

20348. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be deemed withdrawn from the district.

(Added by Stats. 1953, Ch. 1848.)

Liability for
obligations

20349. Any portion of a district which is withdrawn from the district shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for the exclusion of the area, as fully as though that portion had not been withdrawn.

(Added by Stats. 1953, Ch. 1848.)

Article 5. Dissolution

(Article 5 added by Stats. 1959, Ch. 1166)

20350. Any district may be dissolved by the board in the ^{Manner} same manner as is prescribed by Article 5 (commencing at Section 20130) of Chapter 1 for the dissolution of a district formed under that chapter.

(Added by Stats. 1959, Ch. 1166.)

20351. Upon the dissolution of a district, all its property ^{Disposition of property} shall revert to the county in which the district is located and shall be used for general police protection purposes in the county.

(Added by Stats. 1959, Ch. 1166.)

20352. The board of supervisors is, ex officio, the govern- ^{Powers of supervisors} ing body of the former district and, to the extent necessary to terminate district affairs, may exercise any of the powers of the former district.

(Added by Stats. 1959, Ch. 1166.)

PART 2

(Part 2, comprising Section 20500, repealed by Stats. 1959, Ch. 831)

DIVISION 15

(Division 15, comprising Sections 20700 to 20808, repealed by Stats. 1955, Ch. 550)

NOTE: Division 15, comprising Sections 20700 to 20808, added by Stats. 1947, Ch. 199, as part of codification; amended by Stats. 1947, Ch. 1141, by Stats. 1949, Ch. 1195, and by Stats. 1951, Ch. 425; repealed by Stats. 1955, Ch. 550.

DIVISION 16

(Division 16, comprising Sections 21000 to 21409, repealed by Stats. 1957, Ch. 205. See note following Section 112)

NOTE: Division 16, Part 1, comprising Sections 21000 to 21386, added as Division 15 by Stats. 1947, Ch. 765; heading renumbered by Stats. 1949, Ch. 441; repealed by Stats. 1957, Ch. 205. Part 2, comprising Sections 21400 to 21409, added by Stats. 1947, Ch. 705; repealed by Stats. 1957, Ch. 205. See note following Section 112.

DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS**CHAPTER 1. HEALTH AND SAFETY OF BATHERS****Article 1. Life Saving Devices**

24000. "Resort," as used in this article, means a resort, "Resort" bathhouse, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the seacoast or a lake where the public resort for the purpose of bathing in the open sea or lake.

Lifeboat	24001. No person shall own or conduct a resort unless it is equipped with at least one lifeboat.
Equipment	24002. The boat shall be fully equipped with oars, oarlocks, and not less than two life preservers, and 200 feet of rope.
Repair	It shall be kept in good repair and near the resort.
Use, etc.	24003. The boat shall have the word "lifeboat" plainly printed or painted upon it. It shall be used for no purpose other than for the saving of life or for other cases of emergency.
Penalty	24004. Every person who violates any provision of this article is guilty of a misdemeanor punishable by a fine of not less than 10 nor more than two hundred dollars (\$200), or by imprisonment for not less than 10 days nor more than six months, or by both.

Article 2. Swimming Pool Markers

"Resort"	24050. "Resort," as used in this article, means any public bathing or swimming place or resort on a river or stream.
Soundings, etc.	24051. No person shall maintain a resort unless he carefully sounds the depth of water and locates the eddies and pools and determines the presence and nature of dangerous currents, sunken logs, rocks, and obstructions in the stream or river.
Signs	24052. No person shall maintain a resort unless signs indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water are placed and maintained in the water during the season when bathing and swimming are permitted or invited.
Safety ropes	24053. No person shall maintain a resort unless safety ropes are stretched wherever necessary to show the line of eddies, pools, sunken obstructions, and other hidden dangers to bathers in the water.
Penalty	24054. Every person who violates any provision of this article is guilty of a misdemeanor.

Article 3. Swimming Pool Sanitation

"Public swimming pool"	24100. "Public swimming pool," as used in this article, means any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances.
"Lifeguard service"	24100.1. "Lifeguard service," as used in this article, means the attendance, at all times that persons are permitted to engage in water-contact sports, of one or more lifeguards who hold Red Cross or Y. M. C. A. senior lifeguard certificates or have equivalent qualifications and who have no duties to perform other than to superintend the safety of participants in water-contact sports.
(Added by Stats. 1959, Ch. 661.)	

24101. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of public swimming pools. Supervision

24101.1. Every person proposing to construct a public swimming pool shall file a copy of the plans therefor, prior to construction, with the local health officer having jurisdiction for approval. Filing of plans

(Added by Stats. 1959, Ch. 661.)

24101.2. Every person operating or maintaining a public swimming pool must do so in a sanitary, healthful and safe manner. Manner of operation

(Added by Stats. 1959, Ch. 661.)

24101.3. Every public swimming pool, including swimming pool structure, appurtenances, operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe. Conditions of operation

(Added by Stats. 1959, Ch. 661.)

24101.4. Lifeguard service shall be provided for any public swimming pool which is of wholly artificial construction and for the use of which a direct fee is charged. For all other swimming pools, lifeguard service shall be provided or signs shall be erected clearly indicating that such service is not provided. Lifeguard service

(Added by Stats. 1959, Ch. 661.)

24102. The State department shall make and enforce such rules and regulations pertaining to public swimming pools as it deems proper. Rules and regulations

24103. Every health officer shall enforce the rules and regulations in his jurisdiction. Enforcement

24104. For the purposes of this article, any health officer, or any inspector of the State department, may at all reasonable times enter all parts of the premises of a public swimming pool to make examination and investigation to determine the sanitary condition and whether this article or the rules and regulations are being violated. Investigations

24105. The State department may publish the reports of inspections. Reports

24106. Any public swimming pool constructed, operated, or maintained contrary to the provisions of this article is a public nuisance, dangerous to health. Public nuisance

24107. Any nuisance maintained in violation of this article may be abated or enjoined in an action brought by a local health officer, or the state department, or it may be summarily abated in the manner provided by law for the summary abatement of other public nuisances dangerous to health. Abatement

(Amended by Stats. 1959, Ch. 661.)

24108. Every person who violates any provision of this article, or the rules and regulations adopted pursuant thereto, is guilty of a misdemeanor, punishable by a fine of not less Penalty

than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not more than six months, or both.

(Amended by Stats. 1959, Ch. 661.)

Separate
offense

24109. Each day that a violation of this article continues is a separate offense.

Article 4. Ocean Water-contact Sports

(Article 4 repealed by Stats. 1949, Ch. 566; added by Stats. 1957, Ch. 604)

24150. (Repealed by Stats. 1949, Ch. 566.)

24151. (Repealed by Stats. 1949, Ch. 566.)

Definition

24155. As used in this article, water-contact sport means any sport in which the body of a person comes into physical contact with water, including but not limited to swimming, surfboarding, paddleboarding, skin diving, and water-skiing. It does not include boating or fishing.

(Added by Stats. 1957, Ch. 604.)

Supervision

24156. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of the public beaches and public water-contact sport areas of the ocean waters and bays of the State and the department may make and enforce such rules and regulations pertaining thereto as it deems proper.

(Added by Stats. 1957, Ch. 604.)

Rules and
regulations

24157. Rules and regulations made pursuant to this article shall include suitable standards of safe bacteria count for water-contact sports areas specified by the State Water Pollution Control Board or regional water pollution control boards, which standards shall be applied to all public water-contact sport areas of the ocean waters and bays of the State.

(Added by Stats. 1957, Ch. 604.)

Violation

24158. Every person who violates any rule or regulation adopted pursuant to the provision of this article is guilty of a misdemeanor.

(Added by Stats. 1957, Ch. 604.)

Construction

24159. Nothing contained in this article shall be construed to give the State Department of Public Health the authority to fix the areas wherein water-contact sports may be engaged in or to affect the authority of the State Water Pollution Control Board or regional water pollution control boards to fix appropriate areas for various uses.

(Added by Stats. 1957, Ch. 604.)

CHAPTER 2. AIR POLLUTION CONTROL DISTRICTS

(Chapter 2 repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632)

Article 1. Creation and Functioning of Districts

Legislative
finding and
declaration

24198. The Legislature finds and declares that the people of the State of California have a primary interest in atmos-

pheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in many portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State.

(Added by Stats. 1947, Ch. 632.)

24199. The Legislature hereby finds and declares:

Same

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances.

(c) That in other portions of the State the air is not so polluted.

(d) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

(Added by Stats. 1947, Ch. 632.)

24200. In each county there is hereby created an air pollution control district.

Air pollution control district

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24201. The boundaries of every air pollution control district shall be coextensive with the boundaries of the county within which it is situated.

Boundaries

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24202. An air pollution control district shall not transact any business or exercise any of its powers under this chapter until or unless the board of supervisors of the county in which it is situated, by proper resolution, declares at any time hereafter that there is need for an air pollution control district to function in such county.

Resolution of supervisors

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24203. The board of supervisors at any time on its own motion may hold a public hearing to determine whether or not there is need for an air pollution control district to function.

Hearing

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24204. The board of supervisors shall give notice of the time and place of a public hearing to determine whether or not there is need for an air pollution control district to function by publication once in a newspaper of general circulation not less than 15 days before, and not more than 45 days before such hearing.

Notice

(Amended by Stats. 1941, Ch. 503; repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Resolution
of necessity

24205. The board of supervisors may adopt a resolution declaring that there is need for an air pollution control district to function if from the evidence received at such a public hearing it finds:

(a) That the air within such county is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(b) For any reason it is not practical to rely upon the enactment or enforcement of local county and city ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

Upon the adoption of this resolution the district shall begin to function.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Sufficiency
of resolution

24206. A resolution declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of Section 24205 that both of the enumerated conditions exist. No further detail is necessary.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Certified
copy as
evidence

24207. A copy of a resolution declaring that there is need for an air pollution control district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding.

(Added by Stats. 1947, Ch. 632.)

"Air con-
taminant"

24208. As used in this chapter, "air contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(Added by Stats. 1947, Ch. 632.)

Appropria-
tions

24209. The board of supervisors of a county in which an air pollution control district has been authorized to transact business and exercise its powers, may from time to time appropriate funds to such air pollution control district which funds shall be deposited in the treasury of such air pollution control district.

(Added by Stats. 1947, Ch. 632.)

County
charges

24210. All such appropriations are legal charges against the county.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Body
corporate

24211. Every air pollution control district is a body corporate and politic.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24212. Upon the adoption by the board of supervisors or a resolution declaring that there is need for an air pollution control district to function the air pollution control district in that county shall have power: Powers of district

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24213. An air pollution control district which is situated in any county included within another air pollution control district created by special law shall cease to function and exercise its powers upon the date of any rules and regulations adopted by the governing body of such special district. District superseded by special district

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1955, Ch. 1797.)

24214. When an air pollution control district ceases to function and exercise its powers pursuant to Section 24213, the property of such district shall vest in the county in which the district is located, and any funds belonging to such district at that time shall be transferred to such county and may be used for general county purposes. Vesting of property
Transfers of funds

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1955, Ch. 1797.)

Article 2. Officers

24220. The board of supervisors of a county shall be, and they are hereby designated as, and empowered to act as, ex officio the air pollution control board of the air pollution control district in such county. Air pollution control board

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24221. All county officers, their assistants, clerks, deputies, and employees, and all other county employees, shall be ex officio officers, assistants, deputies, clerks, and employees, respectively, of the air pollution control district in the county by which they are employed. Except as otherwise provided in this article, they shall perform respectively the same various County officers

duties for the air pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Control
officer

24222. The air pollution control board shall appoint an air pollution control officer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Assistants

24223. The air pollution control board may provide for assistants, deputies, clerks, attaches, and other persons to be employed by the air pollution control officer, and the times at which they shall be appointed.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Duties of
control
officer

24224. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 of this chapter.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 236.)

Hearing
board

24225. The air pollution control board shall appoint a hearing board to consist of three members, none of whom is otherwise employed by the air pollution control district or by the county. Two members shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Term
of office

24226. The air pollution control board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Salaries

24227. The air pollution control board shall determine the compensation of, and pay from district funds, the air pollution control officer, all of his assistants, deputies, clerks, attaches, and other employees, and members of the hearing board.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Appoint-
ments by
civil
service

24228. In any county having a system of civil service, the air pollution control board shall appoint the air pollution control officer, and the air pollution control officer shall appoint

all of his assistants, deputies, clerks, attaches, and other employees, pursuant to such civil service provisions, except:

(a) If the Civil Service Commission or body performing the functions thereof, finds that any person has been employed by the county or by any city within the air pollution control district for a continuous period of not less than six months prior to the effective date of a resolution adopted by the board of supervisors pursuant to Article 1 of this chapter, in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, and such person has attained permanent civil service status in such city or county position, the Civil Service Commission or such other body shall certify, without examination, such person as eligible to hold such air pollution control district position. Exceptions

(b) If the Civil Service Commission or body performing the functions thereof finds that any person has been employed by the county or by any city within the air pollution control district in a position the duties of which, and qualifications for which are substantially the same as, or are greater than and include qualifications which are substantially the same as those of any position in the air pollution control district, at the request of the air pollution control officer, the Civil Service Commission or such other body, may certify, without examination, such person as eligible to hold such air pollution control district position.

(c) Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the air pollution control district, pursuant to county Civil Service Commission rules in effect at the time, and to be certified for said district positions by the county Civil Service Commission, or other body performing the functions thereof, and to be appointed to said district positions.

(d) This section does not apply to the appointment of members to the hearing board.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632; amended by Stats. 1959, Ch. 71.)

24229. All officers and employees of an air pollution control district are entitled to the benefits of the County Employees' Retirement Law of 1937, Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to the same extent as employees of the county. An air pollution control district is a district as defined in Section 31468 of the Government Code.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24230. If any person is employed by an air pollution control district after certification without examination by the civil service commission or similar body because of his employment

Retirement
provisions

Credit for
prior service

in a position of similar duties by the county or by a city within the air pollution control district, for the purpose of retirement benefits and salary rates all time employed in such county or city position shall be considered as time employed by the air pollution control district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Peace officer
powers

24231. In enforcing the provisions of this chapter and all provisions of the Vehicle Code relating to the emission and control of air contaminants and the orders, regulations, rules, variances, and standards mentioned in Section 24224, the air pollution control officer of an air pollution control district is a peace officer.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 236.)

24232. (Repealed by Stats. 1945, Ch. 1142. Section of same number added to Article 2.5, below.)

24240. (Repealed by Stats. 1945, Ch. 1142.)

Article 2.5. Claims

(Article 2.5 added by Stats. 1959, Ch. 1727)

Claims

24232. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

Article 3. Prohibitions

Application

24241. The provisions of this article do not apply within any air pollution control district unless and until, pursuant to resolution as provided in Article 1 of this chapter, such air pollution control district may function and exercise its powers.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

Prohibited
discharges

24242. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24243. A person shall not discharge from any source ~~what-~~ ^{Same}soever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24244. (Repealed by Stats. 1945, Ch. 1142.)

24245. The provisions of Section 24242 do not apply to ^{Exceptions} smoke from fires:

(a) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1955, Ch. 1389, and by Stats. 1957, Ch. 237.)

24246. The air pollution control officer, during reasonable hours, for the purpose of enforcing or administering this chapter, or any provisions of the Vehicle Code relating to the emission or control of air contaminants, or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers such entrance, or such stopping, detaining, or inspection of such vehicle, or who refuses to stop such a vehicle upon the lawful order of the air pollution control officer.

Entry and inspection of buildings, etc.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 236.)

24247. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

Local control not prohibited

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than the provisions of this article and stricter than the rules and regulations adopted pursuant to Article 4 of this chapter, which local ordinance prohibits, regulates or controls air pollution.

(Added by Stats. 1947, Ch. 632.)

- Same 24248. The provisions of this chapter do not supersede any such local county or city ordinance.
(Added by Stats. 1947, Ch. 632.)
- Prosecutions not barred 24249. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.
(Added by Stats. 1947, Ch. 632.)
- Rules and regulations 24250. Nothing in this article limits in any way the power of the air pollution control board to make needful orders, rules, and regulations pursuant to Article 4 of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.
(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)
- Exempt operations 24251. The provisions of Section 24242 do not apply to:
(a) Agricultural operations in the growing of crops, or raising of fowls or animals, or,
(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute, or,
(c) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.
(Added by Stats. 1947, Ch. 632.)
- Exempt orders 24251.1 The provisions of Section 24243 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.
(Added by Stats. 1957, Ch. 1578.)
- Injunction 24252. Any violation of any provision of this article or of any order, rule, or regulation of the air pollution control board may be enjoined in a civil action brought in the name of the people of the State of California.
(Added by Stats. 1947, Ch. 632.)
- Penalty 24253. Every person who violates any provision of this article is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.
(Added by Stats. 1947, Ch. 632.)
- Liability of agency, employees, etc. 24254. As used in this chapter, "person" also means any state or local governmental agency or public district, or any officer or employee thereof; provided, however, that no state or local governmental agency, or public district, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of this chapter for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties. No criminal action shall hereafter be maintained or prosecuted for such acts, and all criminal actions heretofore instituted for such acts shall be dismissed.

Any violation of any provision of this chapter or of any order, rule, or regulation of the air pollution control board by any governmental agency, or public district, or by any officer or employee thereof, may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1955, Ch. 1300; amended by Stats. 1957, Ch. 501.)

Article 4. Rules and Regulations

24260. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter for the administration of such district, and may perform all other acts necessary or proper to accomplish the purposes of this chapter.

Powers of
control board

(Added by Stats. 1947, Ch. 632.)

24261. The air pollution control board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such public hearing by publication in a newspaper of general circulation published within the district if such a newspaper is published within the district. If no newspaper of general circulation is published within the district it shall give notice of the time and place of public hearing by posting in a public place not less than 10 days before such hearing.

Notice and
hearing

(Added by Stats. 1947, Ch. 632.)

24262. Whenever the air pollution control board finds that the air in the air pollution control district is so polluted as to cause any discomfort or property damage at intervals to a substantial number of inhabitants of the district, the air pollution control board may make and enforce such orders, rules, and regulations as will reduce the amount of air contaminants released within the district.

Reduction
of air
contaminants

(Added by Stats. 1947, Ch. 632.)

24263. The air pollution control board may require by regulation that before any person either builds, erects, alters, replaces, operates, sells, rents, or uses any article, machine, equipment, or other contrivance specified by such regulation the use of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the air pollution control officer.

Permits

Insofar as the regulations do not grant an automatic permit for the operation or use of any article, machine, equipment, or contrivance in existence upon the effective date of such regulations, a permit shall not be required without first affording the owner, operator, or user thereof a reasonable time within which to apply for such permit, and to furnish the air pollution control officer the information required pursuant to Section 24269.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1957, Ch. 1566.)

Regulations

24263.7. The air pollution control board by regulation may:

(a) Establish standards of performance for any article, device, equipment, or method specifically designed or intended for installation or use upon or in any motor vehicle as defined in the Vehicle Code, for the purpose of eliminating, reducing or controlling the issuance of air contaminants.

(b) Prohibit the sale, offering for sale or installation of any article, device, equipment or method specifically designed or intended for installation or use upon or in any motor vehicle as defined in the Vehicle Code to eliminate, reduce, or control the issuance of air contaminants, unless such article, device, equipment or method is of a type which has been submitted to and approved by the air pollution control officer as meeting the minimum standard of performance as authorized in this section. Upon approval the air pollution control officer shall issue a permit authorizing the sale, offering for sale or installation of any said approved article, device, equipment or method referred to in this section.

(Added by Stats. 1957, Ch. 239.)

Plans and specifications

24264. The air pollution control board may require that before the air pollution control officer issues a permit to build, erect, alter, or replace any equipment, that the plans and specifications show, and that the permit issued by the air pollution control officer require, that such building, erection, alteration, or replacement will be done in such a manner, and that such approved equipment be used as the air pollution control board finds will eliminate or reduce the discharge of any air contaminants.

(Added by Stats. 1947, Ch. 632.)

Exempt vehicles, etc.

24265. A permit shall not be required for:

(a) Any vehicle as defined in the Vehicle Code.

(b) Any structure designed for and used exclusively as a dwelling for not more than four families.

(c) An incinerator used exclusively in connection with such a structure.

(d) Barbecue equipment which is not used for commercial purposes.

(e) Equipment described in Section 24251; except that the Air Pollution Control Board of any county, any part of which lies south of the Sixth Standard Parallel South, Mount Diablo Base and Meridian, may at its discretion require operations described in Section 24251 (b) to obtain permits. The board may promulgate such rules and regulations, as herein provided for, but in no event shall a permit be denied an operator, operating orchard or citrus grove heaters, if such heaters produce unconsumed solid carbonaceous matter at the rate of one (1) gram per minute, or less.

(f) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

As used in this section, maintenance does not include operation.

This section does not limit the powers granted to the Air Pollution Control Board by Section 24260 and Section 24262 of this code.

(Added by Stats. 1947, Ch. 632; amended by Stats. 1949, Ch. 910, and by Stats. 1957, Ch. 238.)

24266. The air pollution control board may contract with the county, and may contract with any city within the air pollution control district, and the county and any such city may contract with the air pollution control district, for the performance of such work in the name of, and subject to the approval of, the air pollution control officer by the building department or other officer, department, or agency of the county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures, as will accomplish all or part of the purposes of Sections 24263 and 24264. The contract may provide for the consideration, if any, which the air pollution control district shall pay to such city.

Power of
control board
to contract

(Added by Stats. 1947, Ch. 632.)

24267. The air pollution control board may provide by regulation a schedule of fees not exceeding the estimated cost of issuing such permits and inspection pertaining to such issuance to be paid for the issuance of such permits. Every person applying for a permit shall pay the fee required by such schedule.

Fees

(Added by Stats. 1947, Ch. 632.)

24268. A contract entered into pursuant to Section 24266 may provide that fees for permits shall be paid to the city, the officer, department, or agency of which city issues the permit, and may be retained by such city in whole or in part as the consideration, or part thereof, for issuing such permits. Otherwise, all fees paid for the issuance of permits shall be paid into the district treasury.

Disposition
of fees

(Added by Stats. 1947, Ch. 632.)

24269. The air pollution control officer at any time may require from an applicant for, or holder of any permit provided for by the regulations of the air pollution control board, such information, analyses, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

Furnishing of
information

(Added by Stats. 1947, Ch. 632.)

24270. If the holder of any permit provided for by the regulations of the air pollution control board within a reasonable time wilfully fails and refuses to furnish to the air pollution control officer information, analyses, plans, or specifications requested by such air pollution control officer, the air pollution control officer may suspend the permit. He shall serve notice in writing of such suspension and the reasons therefor on the permittee.

Suspension
of permit

(Added by Stats. 1947, Ch. 632.)

Demand for
hearing

24271. Within 10 days after receipt of notice of suspension the permittee may file with the hearing board a demand for a public hearing as to whether or not the permit was properly suspended.

(Added by Stats. 1947, Ch. 632.)

Reinstatement

24272. The air pollution control officer shall reinstate a suspended permit when all information, analyses, plans, and specifications are furnished.

(Added by Stats. 1947, Ch. 632.)

Same

24273. The air pollution control officer may reinstate a suspended permit where, in his opinion, good reasons exist therefor.

(Added by Stats. 1947, Ch. 632.)

Request for
hearing

24274. The air pollution control officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated.

(Added by Stats. 1947, Ch. 632.)

Notice and
hearing

24275. Within 30 days after either the air pollution control officer or the permittee has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the permittee, to the air pollution control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

(Added by Stats. 1947, Ch. 632.)

Action of
board

24276. After a public hearing, the hearing board may:

(a) Continue the suspension of a permit suspended by the air pollution control officer, or

(b) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required, or

(c) Find that no violation exists and reinstate an existing permit, or

(d) Revoke an existing permit, if it finds:

(1) The permittee has failed to correct any conditions required by the air pollution control officer, or

(2) A refusal of a permit would be justified, or

(3) Fraud or deceit was employed in the obtaining of the permit, or

(4) Any violation of this chapter or of any rule or regulation of the air pollution control board.

(Added by Stats. 1947, Ch. 632.)

False
statements

24277. Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans, or specifications submitted either in conjunction therewith, or at the request of the air pollution control officer.

(Added by Stats. 1947, Ch. 632.)

24278. Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the air pollution control district when his permit so to do has been either suspended or revoked.

Operating
without
permit

(Added by Stats. 1947, Ch. 632.)

24279. Every person required by the regulations of the air pollution control board to obtain a permit so to do who, without first obtaining such permit, builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor.

Failure to
obtain
permit

(Added by Stats. 1947, Ch. 632.)

24280. Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under regulations adopted pursuant to this article.

Operations
contrary to
permit

(Added by Stats. 1947, Ch. 632.)

24281. Every person violating any order, rule, or regulation of an air pollution control district is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense.

Violations
of rules and
regulations

(Added by Stats. 1947, Ch. 632.)

24282. Every permittee who wilfully fails or neglects to furnish information, analyses, plans, or specifications required by the air pollution control officer is guilty of a misdemeanor.

Failure to
furnish
information

(Added by Stats. 1947, Ch. 632.)

Article 5. Variances

24291. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 3 of this chapter or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

Necessary
discharges

(Added by Stats. 1947, Ch. 632.)

24292. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 of this chapter or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

Hearing to
determine
necessity

(Added by Stats. 1947, Ch. 632.)

24293. The air pollution control board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

Fees

(Added by Stats. 1947, Ch. 632.)

Disposition
of fees

24294. All such fees shall be paid into the district treasury.
(Added by Stats. 1947, Ch. 632.)

Notice

24295. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(Added by Stats. 1947, Ch. 632.)

Where com-
pliance is
inequitable

24296. If the hearing board finds that because of conditions beyond control compliance with Article 3 of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

(Added by Stats. 1947, Ch. 632.)

Discretion
of hearing
board

24297. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

(Added by Stats. 1947, Ch. 632.)

Modification
of orders

24298. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(Added by Stats. 1947, Ch. 632.)

Notice and
hearing

24299. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the air pollution control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or air pollution control officer a written request for such notification.

(Added by Stats. 1947, Ch. 632.)

Service of
notice

24300. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first class mail, postage prepaid, as provided by Section 15. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice once in a newspaper of general circulation

published within the air pollution control district if such newspaper is published therein, otherwise by posting at a public place at the county seat within the district.

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24301. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the air pollution control officer. Time limit

(Repealed by Stats. 1945, Ch. 1142; added by Stats. 1947, Ch. 632.)

24302. If any local county or city ordinance has provided regulations similar to those in Article 3 of this chapter or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to the adoption of a resolution by the board of supervisors pursuant to Article 1 of this chapter, such variance shall be continued as a variance of the hearing board for the time specified therein or one year whichever is shorter or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article. Continuance of prior variance granted by local agency

(Added by Stats. 1947, Ch. 632.)

Article 6. Procedure

24310. This article applies to all hearings which either Article 4 or Article 5 of this chapter provides shall be held by the hearing board. Application of article

(Added by Stats. 1947, Ch. 632.)

24311. The hearing board shall select from its number a chairman. Chairman

(Added by Stats. 1947, Ch. 632.)

24312. The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing. Hearings

(Added by Stats. 1947, Ch. 632.)

24313. If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision. Decision

(Added by Stats. 1947, Ch. 632.)

24314. The hearing board not less than two being present may, in its discretion, within 30 days rehear any matter which was decided by a single member. Rehearing

(Added by Stats. 1947, Ch. 632.)

24315. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be Subpena

examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(Added by Stats. 1947, Ch. 632.)

Service of
subpena

24316. A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

(Added by Stats. 1947, Ch. 632.)

Contempt

24317. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county.

(Added by Stats. 1947, Ch. 632.)

Attachment

24318. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(Added by Stats. 1947, Ch. 632.)

Procedure
for contempt

24319. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

(Added by Stats. 1947, Ch. 632.)

Oaths

24320. Every member of the hearing board may administer oaths in every hearing in which he participates.

(Added by Stats. 1947, Ch. 632.)

Swearing
witness

24321. At any hearing the hearing board may require all or any witnesses to be sworn before testifying.

(Added by Stats. 1947, Ch. 632.)

Court
proceeding

24322. Any person deeming himself aggrieved, including the air pollution control district, may maintain a special proceeding in the superior court, to determine the reasonableness and legality of any action of the hearing board.

(Added by Stats. 1947, Ch. 632.)

Trial de novo

24323. Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved.

(Added by Stats. 1947, Ch. 632.)

Article 7. Unified Air Pollution Control Districts

(Article 7 added by Stats. 1949, Ch. 1185)

24330. Two or more contiguous counties having activated air pollution control districts under this chapter may merge their several districts into one district, under the provisions of this article. Merger

(Added by Stats. 1949, Ch. 1185.)

24331. The board of supervisors of each county may by a vote of its members appoint two of its members to meet with an equal number appointed in a like manner from the other counties and agree to form one district, which agreement, upon ratification by the several boards of supervisors, shall create one district out of the several districts. Such agreement shall provide for the voting procedure on the air pollution control board. Agreement

(Added by Stats. 1949, Ch. 1185.)

24332. The boundaries of the unified air pollution control district shall be the same as the boundaries of the several counties of which it is comprised. Boundaries

(Added by Stats. 1949, Ch. 1185.)

24333. Each county within the unified district shall be a zone of that district. Zones

(Added by Stats. 1949, Ch. 1185.)

24334. The powers of the district shall be as provided in this chapter unless provided otherwise by this article. Powers

(Added by Stats. 1949, Ch. 1185.)

24335. The boards of supervisors of the several zones comprising the unified district shall be, ex officio, the air pollution control board of the district. Ex officio board

(Added by Stats. 1949, Ch. 1185.)

24336. All county officers, their assistants, clerks, deputies, and employees of the several counties in the district and all other county employees of the zones within the district shall be ex officio officers, assistants, deputies, clerks, and employees of the district only within the zone in which they are employed. Ex officio officers, etc.

(Added by Stats. 1949, Ch. 1185.)

24337. The boards of supervisors of each zone in the district shall appropriate such funds as are necessary to carry out the purposes of such air pollution control districts, as determined by the air pollution control board, in the proportion that the population of said zone at the date of merger bears to the total population of the district at the date of merger. Funds

(Added by Stats. 1949, Ch. 1185.)

24338. All such appropriations are legal charges against the county in which the board of supervisors voted the appropriation. Charges

(Added by Stats. 1949, Ch. 1185.)

24339. The treasurers of the several counties within the district shall pay the amount appropriated by the board of supervisors of their county into the treasury of the district. Payment into treasury

(Added by Stats. 1949, Ch. 1185.)

District
treasury

24340. The district treasury shall be in the custody of the county treasurer of the largest zone, in terms of population at the date of merger, in the district and said treasurer shall be the unified air pollution control district treasurer.

(Added by Stats. 1949, Ch. 1185.)

Contempt

24341. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

(Added by Stats. 1949, Ch. 1185.)

CHAPTER 2.5. BAY AREA AIR POLLUTION CONTROL DISTRICT (Chapter 2.5 added by Stats. 1955, Ch. 1797)

Article 1. Short Title

(Article 1 added by Stats. 1955, Ch. 1797)

Short title

24345. This chapter may be cited and shall be known as the Bay Area Air Pollution Control Law.

(Added by Stats. 1955, Ch. 1797.)

Article 2. Declaration of Policy

(Article 2 added by Stats. 1955, Ch. 1797)

Legislative
Intent

24346. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in certain portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State.

(Added by Stats. 1955, Ch. 1797.)

Declaration
of necessity

24346.1. The Legislature further finds and declares:

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances.

(c) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

(Added by Stats. 1955, Ch. 1797.)

Problems of
air pollution

24346.2. The problems of air pollution are primarily regional and dependent upon factors of weather, topography, population, transportation, methods of waste disposal, and

agricultural and industrial development. These factors vary greatly from area to area. The San Francisco Bay area, with its permanent temperature inversion layer, presents a special problem, distinct from that found in the remainder of the State. This chapter is enacted to provide a special district to control and suppress air pollution in that area.

Since the problem requiring this legislation is local and special due to atmospheric and geographic conditions, a general law cannot be made applicable so as to insure its effective alleviation. It is necessary, therefore, to create, by special law, an air pollution control district which includes only that area within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Special law

(Added by Stats. 1955, Ch. 1797.)

Article 3. Definitions

(Article 3 added by Stats. 1955, Ch. 1797)

24348. "District," as used in this chapter, means the Bay "District" Area Air Pollution Control District.

(Added by Stats. 1955, Ch. 1797.)

24348.1. "Board," as used in this chapter, means the board "Board" of directors of the district.

(Added by Stats. 1955, Ch. 1797.)

24348.2. "Control officer," as used in this chapter, means "Control officer" the air pollution control officer of the district.

(Added by Stats. 1955, Ch. 1797.)

24348.3. "Air contaminant," as used in this chapter, includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, mist, odors, or particulate matter, or any combination thereof. "Air contaminant"

(Added by Stats. 1955, Ch. 1797.)

Article 4. Creation of District

(Article 4 added by Stats. 1955, Ch. 1797)

24350. An air pollution control district is hereby created comprising the area lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, which shall be called the Bay Area Air Pollution Control District. Boundaries

(Added by Stats. 1955, Ch. 1797.)

24350.1. The district is a body corporate and politic and a public agency of the State. Public agency

(Added by Stats. 1955, Ch. 1797.)

24350.2. On the effective date of this chapter, the district shall begin to transact business and exercise its powers under this chapter in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara. Exercise of powers, etc.

(Added by Stats. 1955, Ch. 1797.)

- Same** 24350.3. The district shall not transact any business or exercise any of its powers under any of this chapter in the Counties of Napa, Solano, and Sonoma until and unless the boards of supervisors of such counties determine in the manner provided by this article that there is need for the district to function in such counties and so declare by resolution.
(Added by Stats. 1955, Ch. 1797.)
- Petition** 24350.4. Before the district may begin to transact business or exercise its powers in Napa County, Solano County, or Sonoma County, the board of supervisors of such county, on its own motion or whenever a petition requesting that the district transact business and exercise its powers in such county signed by not less than 10 percent of the qualified electors of such county is presented to such board of supervisors, shall
- Hearing** hold a public hearing to determine whether or not there is need for the district to function in such county.
(Added by Stats. 1955, Ch. 1797.)
- Notice** 24350.5. Prior to the public hearing, the board of supervisors shall give notice of the time and place of hearing by publication pursuant to Section 6061 of the Government Code not less than 15 days nor more than 45 days before such hearing.
(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)
- Resolution** 24350.6. Upon conclusion of the public hearing the board of supervisors may adopt a resolution declaring that there is need for the district to function in such county if from the evidence received at such hearing it finds that it is in the best interests of such county that the district function therein.
(Added by Stats. 1955, Ch. 1797.)
- Filing** 24350.7. Upon adoption of the resolution the board of supervisors of such county shall cause a certified copy of it to be filed with the board.
(Added by Stats. 1955, Ch. 1797.)
- Effective date** 24350.8. From and after the date of the filing of the certified copy of the resolution with the board, the district shall begin to function and may exercise its powers within such county.
(Added by Stats. 1955, Ch. 1797.)

Article 4.5. City Selection Committees (Article 4.5 added by Stats. 1955, Ch. 1797)

- City selection committee** 24351. There shall be a separate and distinct city selection committee for each county in which the district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council.
(Added by Stats. 1955, Ch. 1797.)
- Quorum** 24351.1. A majority of the members of each city selection committee shall constitute a quorum.
(Added by Stats. 1955, Ch. 1797.)

24351.2. The City and County of San Francisco is a city ^{San Francisco} for purposes of this article.

(Added by Stats. 1955, Ch. 1797.)

24351.3. The city selection committee of each county shall ^{Meetings} meet on October 28, 1955, at 10 a.m. in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 24352. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the district board as prescribed in Section 24352.1. At least two weeks prior to the date of each meeting the clerk of the board of supervisors of each county shall give notice of such meeting to each member of the city selection ^{Notice} committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the clerk of the board of supervisors of such county who shall act as the recording officer for the meeting. It shall be the duty of the clerk of the board of supervisors to notify in writing the board of supervisors of such county and also the clerk of the district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 598.)

24351.4. Each committee shall appoint a chairman from ^{Chairman} among its members and such other officers as may be necessary.

(Added by Stats. 1955, Ch. 1797.)

24351.5. Members of the committees shall serve without ^{Compensation} compensation, but may be allowed actual expenses incurred in the discharge of their duties.

(Added by Stats. 1955, Ch. 1797.)

Article 5. Governing Body

(Article 5 added by Stats. 1955, Ch. 1797)

24352. The governing body of the district is a board of ^{Board of directors} directors who shall be selected as provided in this article.

On or before October 28, 1955, the board of supervisors of each county in which the district may at that time transact business and exercise its powers shall appoint one of its members to be a member of the board. If the district may not transact business or exercise its powers in any county within the district on October 28, 1955, the board of supervisors of such county shall appoint one of its members to be a member of the board within 30 days after the district may so function within such county.

On October 28, 1955, the city selection committee of each county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen

of the cities within such county. If the district may not transact business or exercise its powers in any county within the district on October 28, 1955, the city selection committee shall so appoint such member of the board within 30 days after the district may so function within such county.

(Added by Stats. 1955, Ch. 1797.)

Term of
office, etc.

24352.1. Each member of the first board shall hold office until June 1, 1956, and thereafter each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the board may be removed at any time in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

(Added by Stats. 1955, Ch. 1797.)

Recall

24352.2. Any member of the board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division 13 of the Elections Code, in which event his office as member of the board shall be vacant.

(Added by Stats. 1955, Ch. 1797.)

Powers

24352.3. The board is the governing body of the district and shall exercise all the powers of the district, except as otherwise provided.

(Added by Stats. 1955, Ch. 1797.)

Quorum

24352.4. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board.

(Added by Stats. 1955, Ch. 1797.)

Compensation

24352.5. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars (\$25) for each day attending the meetings of the board, but such compensation shall not exceed six hundred dollars (\$600) in any one year.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 848.)

Executive
secretary

24352.6. The board may appoint an executive secretary to perform such duties as may be assigned to him by the board.

(Added by Stats. 1955, Ch. 1797.)

Cooperation
with other
agencies

24352.7. The board may cooperate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this chapter.

(Added by Stats. 1955, Ch. 1797.)

Article 6. Powers and Duties

(Article 6 added by Stats. 1955, Ch. 1797)

24354. The district shall have power:

Powers

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(Added by Stats. 1955, Ch. 1797.)

24354.1. The district shall establish and execute an effective program for the reduction of air contaminants within the district. Program

(Added by Stats. 1955, Ch. 1797.)

24354.2. The district shall do such acts as may be necessary to carry out the provisions of this chapter.

(Added by Stats. 1955, Ch. 1797.)

24354.3. The board shall establish and maintain such offices wherever it deems will best facilitate the accomplishment of the district objectives. Offices

(Added by Stats. 1955, Ch. 1797.)

24354.4. The board shall meet at such times and places as decided by the board. Meetings

(Added by Stats. 1955, Ch. 1797.)

24354.5. The board shall appoint a chairman from its members and such other officers as may be necessary. Chairman

(Added by Stats. 1955, Ch. 1797.)

24354.6. The board shall determine the compensation of, and pay from district funds, the control officer, all of his personnel, the executive secretary, and members of the hearing board. Compensation

(Added by Stats. 1955, Ch. 1797.)

24354.7. The board shall provide for the number of personnel to be employed by the control officer and for their duties and the times at which they shall be appointed. Employees

(Added by Stats. 1955, Ch. 1797.)

24354.8. The board may contract with any city or county, any state department, or any competent person or agency for the conducting of competitive examinations to ascertain the Competitive examinations

fitness of applicants for employment and for the performance of any other service in connection with administration of the district.

(Added by Stats. 1955, Ch. 1797.)

Civil service
system

24354.9. The board may by ordinance adopt a civil service system for any or all employees of the district, except that the executive secretary and air pollution control officer shall be exempt from such system and shall serve at the pleasure of the board. The board may adopt regulations and by-laws for the organization and administration of the district and may, in such regulations, provide for amendment and repeal thereof.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 846.)

Technical,
etc., services

24354.10. In exercising its powers and duties, the district shall, whenever feasible, secure necessary technical, administrative and operational services by contract with public agencies to the end that duplication of similar services and facilities is avoided to the extent possible. This section shall not be construed as requiring the board to contract for services which the board determines should, in the best interests of the district, be provided by the district or services which can be provided by the district at a lesser cost than by contract.

(Added by Stats. 1955, Ch. 1797.)

Article 7. Air Pollution Control Officer

(Article 7 added by Stats. 1955, Ch. 1797)

Appointment

24355. The board shall appoint an air pollution control officer.

(Added by Stats. 1955, Ch. 1797.)

Personnel

24355.1. Subject to the provisions of Article 6, the control officer shall appoint his personnel.

(Added by Stats. 1955, Ch. 1797.)

Powers

24355.2. The control officer shall observe and enforce:

(a) The provisions of this act.

(b) All orders, regulations, and rules prescribed by the board.

(c) All variances and standards which the hearing board has prescribed.

(Added by Stats. 1955, Ch. 1797.)

Article 8. Advisory Council

(Article 8 added by Stats. 1955, Ch. 1797)

Appointment

24356. The board shall appoint a Bay Area Air Pollution Control Advisory Council to advise and consult with the board and the control officer in effectuating the purposes of this chapter. The council shall consist of the chairman of the board, who shall serve as an ex officio member, and 20 members who preferably are skilled and experienced in the field of air pollution, including at least one representative of colleges or universities in the State and at least one representative of each of the following groups within the district: health

agencies, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

(Added by Stats. 1955, Ch. 1797.)

24356.1. The council shall select a chairman and vice chair- ^{Officers} man and such other officers as it deems necessary.

(Added by Stats. 1955, Ch. 1797.)

24356.2. Council members shall serve without compensation ^{Compensation} but may be allowed actual expenses incurred in the discharge of their duties. The council shall meet as frequently as the directors or the council deem necessary.

(Added by Stats. 1955, Ch. 1797.)

Article 9. Hearing Board

(Article 9 added by Stats. 1955, Ch. 1797)

24357. Within 30 days after the district, by resolution, de- ^{Appointment} termines it necessary to adopt rules and regulations to control the release of air contaminants, the district board shall appoint a hearing board, to consist of three members, none of whom is otherwise employed by the district. One member shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer.

(Added by Stats. 1955, Ch. 1797.)

24357.1. The district board shall appoint one member of ^{Terms} the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

(Added by Stats. 1955, Ch. 1797.)

Article 10. Enforcement

(Article 10 added by Stats. 1955, Ch. 1797)

24360. A person shall not discharge from any source what- ^{Prohibited acts} soever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Added by Stats. 1955, Ch. 1797.)

24360.1. This article does not apply to smoke from fire ^{Exceptions:} set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

Weed abatement, etc.

(Added by Stats. 1955, Ch. 1797.)

24360.2. This article does not apply to:

Agricultural
fires

(a) Smoke from fires set by, or permitted by, the county agricultural commissioner of any county within the district for agricultural operations in the growing of crops or raising of fowls or animals, if such fire is set or permission given in the performance of the official duty of such county agricultural commissioner, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24362.3.

State For-
ester fires

(b) Smoke from fires set by, or permitted by, the State Forester or his agent for the purpose of watershed, range, or pasture improvement if such fire is set or permission given in the performance of the official duty of the State Forester or his agent, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24362.3.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 1329.)

Local ordi-
nances

24360.3. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than or identical to the provisions of this article and stricter than or identical to the rules and regulations adopted pursuant to this chapter, which local ordinance prohibits, regulates or controls air pollution.

Counties and cities may, by local ordinance, provide for the local enforcement of this article and of regulations adopted pursuant to this chapter.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 698.)

Effect of
provisions

24360.4. The provisions of this chapter do not supersede any such local county or city ordinance.

(Added by Stats. 1955, Ch. 1797.)

Violation
of local
ordinance

24360.5. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

(Added by Stats. 1955, Ch. 1797.)

Rules and
regulations

24360.6. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

(Added by Stats. 1955, Ch. 1797.)

Injunctions

24360.7. Any violation of any provisions of this article or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1955, Ch. 1797.)

24360.8. The provisions of Section 24360 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals. Exempt odors
 (Added by Stats. 1957, Ch. 1578.)

Article 11. Rules and Regulations

(Article 11 added by Stats. 1955, Ch. 1797)

24362. At any time after October 1, 1956, the board may by resolution declare it necessary that the district adopt rules and regulations to control the release of air contaminants in order to reduce or alleviate air pollution within the district. Such determination shall be based on surveys and studies made by the district and such other information as may be available to the district. The determination shall be made only after the board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The board shall give notice of its intention to adopt the resolution and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in each of the counties within the district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony. Determination
Hearing
Notice

Upon the conclusion of the hearing, if the board determines it to be necessary to adopt rules and regulations to control the release of air contaminants, the board shall so declare by resolution. Resolution

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

24362.1. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter. Enforcement

(Added by Stats. 1955, Ch. 1797.)

24362.2. The board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such public hearing by publication in the district pursuant to Section 6061 of the Government Code. Hearing
Notice

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

24362.3. Whenever the board finds that the air in the district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the district, the board may make and enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the district, but no order, rule or Limitations

regulation of the board shall specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants.

(Added by Stats. 1955, Ch. 1797.)

Analyses,
etc.

24362.4. The control officer at any time may require from any person subject to regulations of the board, such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the control officer may designate and employ a registered professional engineer of his choice to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An engineer so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report.

Air con-
taminants

(Added by Stats. 1955, Ch. 1797.)

Willful
refusal to
comply

24362.5. If any person within a reasonable time wilfully fails or refuses to furnish to the control officer information or analyses requested by such control officer, or if the control officer finds that any order, rule or regulation of the board is being violated after a reasonable time has been allowed for compliance, the control officer shall notify the hearing board of such facts and request a public hearing on the matter.

Hearing

(Added by Stats. 1955, Ch. 1797.)

24362.6. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

Finding

(Added by Stats. 1955, Ch. 1797.)

24362.7. After a public hearing, the hearing board may find that no violation exists, or may take any of the actions provided in Article 12 and Article 13 of this chapter.

(Added by Stats. 1955, Ch. 1797.)

Article 12. Variances

(Added by Stats. 1955, Ch. 1797)

Construction

24365. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 10 or by rules, regulations, or orders of the board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

(Added by Stats. 1955, Ch. 1797.)

Hearing

24365.1. The hearing board on its own motion or at the request of any person may hold a hearing to determine under

what conditions and to what extent a variance from the requirements established by Article 10 or by rules, regulations, or orders of the board is necessary and will be permitted.

(Added by Stats. 1955, Ch. 1797.)

24365.2. The board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

Fees

(Added by Stats. 1955, Ch. 1797.)

24365.3. All such fees shall be paid to the district treasurer to the credit of the district.

Disposition

(Added by Stats. 1955, Ch. 1797.)

24365.4. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

Notice

(Added by Stats. 1955, Ch. 1797.)

24365.5. If the hearing board finds that because of conditions beyond control compliance with Article 10 or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

Findings

(Added by Stats. 1955, Ch. 1797.)

24365.6. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

Determination

(Added by Stats. 1955, Ch. 1797.)

24365.7. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

Revocation of variance order

(Added by Stats. 1955, Ch. 1797.)

24365.8. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely

Notice of hearing

to be affected who have filed with the hearing board or control officer a written request for such notification.

(Added by Stats. 1955, Ch. 1797.)

Service of
notice

24365.9. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

Duration
of order

24365.10. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the control officer.

(Added by Stats. 1955, Ch. 1797.)

Local
ordinances

24365.11. If any local county or city ordinance has provided regulations similar to those in Article 10 or to any order, regulation, or rule prescribed by the board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

(Added by Stats. 1955, Ch. 1797.)

Article 13. Procedure

(Article 13 added by Stats. 1955, Ch. 1797)

Hearing
board:
Procedure

24367. This article applies to all hearings which either Article 11 or Article 12 of this chapter provides shall be held by the hearing board.

(Added by Stats. 1955, Ch. 1797.)

24367.1. The hearing board shall select from its number a chairman.

(Added by Stats. 1955, Ch. 1797.)

24367.2. The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

(Added by Stats. 1955, Ch. 1797.)

24367.3. If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

(Added by Stats. 1955, Ch. 1797.)

24367.4. The hearing board, not less than two being present, may, in its discretion, within 30 days rehear any matter which was decided by a single member.

(Added by Stats. 1955, Ch. 1797.)

24367.5. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

Subpoena of
witnesses

(Added by Stats. 1955, Ch. 1797.)

24367.6. A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

Service

(Added by Stats. 1955, Ch. 1797.)

24367.7. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

Refusal to
appear, etc.

(Added by Stats. 1955, Ch. 1797.)

24367.8. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

Attachment
of person

(Added by Stats. 1955, Ch. 1797.)

24367.9. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Penalties

(Added by Stats. 1955, Ch. 1797.)

24367.10. Every member of the hearing board may administer oaths in every hearing in which he participates, and at any hearing the hearing board may require all or any witnesses to be sworn before testifying.

Oaths

(Added by Stats. 1955, Ch. 1797.)

24367.11. Whenever the hearing board finds that any person is in violation of any order, rule or regulation of the board, and that no variance is justified, and that reasonable time has been allowed for compliance, the hearing board shall certify such facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in and for the county for the issuance of an injunction restraining such person or per-

Injunction

sons from continuing any activity causing or threatening a pollution or nuisance. The district attorney may, but is not required to, associate in the prosecution of such action, the counsel for the board. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1959, Ch. 698.)

Person
aggrieved

24367.12. Any person deeming himself aggrieved, including the district, may maintain a special proceeding in a superior court within the district, to determine the reasonableness and legality of any action of the hearing board.

(Added by Stats. 1955, Ch. 1797.)

Special
proceeding

24367.13. In such a special proceeding after any decision of the hearing board the court is authorized to exercise its independent judgment on the evidence and to make an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts, and opinions therein involved.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 847.)

Article 14. Financial Provisions

(Article 14 added by Stats. 1955, Ch. 1797)

Indebtedness

24370. The district may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year.

(Added by Stats. 1955, Ch. 1797.)

Apportion-
ment of
district costs

24370.1. Before the fifteenth day of June of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real estate of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it.

The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one cent (\$0.01) on each one hundred dollars (\$100) of the assessed valuation of all the property included within the district.

(Added by Stats. 1955, Ch. 1797.)

24370.2. On or before the fifteenth day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 1415.)

24370.3. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

(Added by Stats. 1955, Ch. 1797.)

24370.4. At any time prior to the first receipt by the district of revenues from taxation, the counties within the district may loan any available money to the district for purposes of organization and operation and such expenditures shall constitute a proper expenditure of county funds. The board shall add the sums of money so borrowed from the counties to the first amount apportioned by the board pursuant to Section 24370.1, and shall repay the counties for all money borrowed from the first revenues received from taxation.

(Added by Stats. 1955, Ch. 1797.)

24370.5. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district.

(Added by Stats. 1955, Ch. 1797.)

24370.6. The district treasury shall be in the custody of the county treasurer of a county in the district designated by the board and such treasurer shall be the district treasurer.

(Added by Stats. 1955, Ch. 1797.)

24370.7. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 of Division 3 of Title 3 of the Government Code.

(Added by Stats. 1955, Ch. 1797.)

Article 15. Dissolution

(Article 15 added by Stats. 1955, Ch. 1797)

24372. A district may be dissolved in the following manner:

- | | |
|----------------------------|---|
| Resolution: | 1. The boards of supervisors of the counties containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district. |
| Adoption | |
| Communication | 2. The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the board. |
| Election | 3. If it appears that the resolutions were adopted by the boards of supervisors in the counties desiring to withdraw, and that such counties contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution. The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Such resolution shall be published pursuant to Section 6066 of the Government Code in each county within the district and the first publication shall be at least 30 days prior to the date of election. |
| Winding up | 4. If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from taxation as shall be necessary to wind up the affairs of the district. |
| Surplus funds | |
| Declaration of dissolution | 5. Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of |

State. Upon the adoption of such resolution the district shall be dissolved.

(Added by Stats. 1955, Ch. 1797; amended by Stats. 1957, Ch. 357.)

Article 16. Claims

(Article 16 added by Stats. 1959, Ch. 1727)

24374. All claims for money or damages against the ^{Claims} district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

CHAPTER 2.6. SAN JOAQUIN VALLEY AIR
POLLUTION CONTROL DISTRICT

(Chapter 2.6 added by Stats. 1959, Ch. 1915)

Article 1. Short Title

(Article 1 added by Stats. 1959, Ch. 1915)

24375. This chapter may be cited and shall be known as ^{Short title} the San Joaquin Valley Air Pollution Control Law.

(Added by Stats. 1959, Ch. 1915.)

NOTE: Stats. 1959, Ch. 1915, also contained the following provisions:

SEC. 2. The provisions of this act, except those relating to and necessary for its submission to the people of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare within the proposed district for their ratification, shall not become operative unless and until a majority of the voters in such counties at a special election called and held in each such county, vote in favor of the proposition to establish and create the San Joaquin Valley Air Pollution Control District and a certified copy of an order declaring the results of such elections is filed in the office of the Secretary of State by the board of supervisors of the County of Fresno.

SEC. 3. This act shall be submitted to the people of the Counties of Fresno, Kern, Kings, Merced, San Joaquin, Stanislaus, and Tulare within the proposed district for their ratification at a special election in each of the counties, which shall be consolidated with the next general election held in the month of November, 1960. The election in each county shall be called and conducted in the same manner as other special elections in the county. The provisions of Article 3 (commencing at Section 1670) of Chapter 2, Division 4 of the Elections Code shall be applicable to such an election, except as otherwise provided herein.

SEC. 4. The ballot for each such election shall contain such instructions as are required by law to be printed thereon, and in addition there shall appear the following:

Shall the "San Joaquin Valley Air Pollution Control District," in the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, be created and established?	YES
	NO

SEC. 5. The board of supervisors of each of the counties shall meet on the Monday following the day on which the elections were held and canvass the votes cast at the election held in such county. Each board of supervisors shall thereupon declare the result of such canvass and certify the same to the Board of Supervisors of the County of Fresno. The Board of Supervisors of the County of Fresno shall order and declare the San

Joaquin Valley Air Pollution Control District created and established if a majority of the combined total of the votes cast at all of the elections were in favor of the creation and establishment of the district.

SEC. 6. The Board of Supervisors of the County of Fresno shall cause a certified copy of the results of the elections to be filed in the Office of the Secretary of State and with the clerk of the board of supervisors of each county which would be included within the San Joaquin Valley Air Pollution Control District. If the copy of the results of the elections shows that a majority of the combined total of the votes cast at all of the elections were in favor of the creation and establishment of the district, from and after the date of the filing of the copy of the results in the Office of the Secretary of State, this act shall be completely operative.

SEC. 7. The board of supervisors calling each election shall make all provision for the holding thereof and the cost thereof shall be a proper charge against the county.

SEC. 8. No informality in any proceeding or in the conduct of said election not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the creation and establishment of the district, and any proceedings attacking the validity of said incorporation, shall be commenced within three months from the date of filing of the copy of the results of the election with the Secretary of State, otherwise such creation and establishment and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

Article 2. Declaration of Policy

(Article 2 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Public
interest

24375.01. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in certain portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Necessity
for regu-
lation

24375.02. The Legislature further finds and declares:

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances exclusively.

(c) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Special
district

24375.03. The problems of air pollution are primarily regional and dependent upon factors of weather, topography, population, transportation, methods of waste disposal, and

agricultural and industrial development. These factors vary greatly from area to area. The San Joaquin Valley area presents a special problem, distinct from that found in the remainder of the State. This chapter is enacted to provide a special district to control and suppress air pollution in that area.

Since the problem requiring this legislation is local and special due to atmospheric and geographic conditions, a general law cannot now be made applicable so as to insure its effective alleviation. It is necessary, therefore, to create, by special law, an air pollution control district which includes an area lying within the boundaries of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 3. Definitions

(Article 3 added by Stats. 1959, Ch. 1915. See note following Section 24375)

24375.05. "District," as used in this chapter, means the "District" San Joaquin Valley Air Pollution Control District.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.06. "Board," as used in this chapter, means the "Board" board of directors of the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.07. "Control officer," as used in this chapter, means the air pollution control officer of the district. "Control officer"

"Air contaminant," as used in this chapter, includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, mist, odors, or particulate matter, or any combination thereof. "Air contaminant"

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 4. Creation of District

(Article 4 added by Stats. 1959, Ch. 1915. See note following Section 24375)

24375.10. An air pollution control district is hereby created, which shall be called the San Joaquin Valley Air Pollution Control District and shall comprise the area lying within the boundaries of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties, and all of the area within Kern County except that lying within the boundaries of the China Lake, Indian Wells Valley Union, Johannesburg, Mojave Unified, Randsburg, Tehachapi Union, Aqueduct Cummings Valley, South Kern County Union and Muroc Unified School Districts as shown on the School District Map of Boundaries

Kern County prepared by the office of the county surveyor, February 15, 1955.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 4.5. City Selection Committees

(Article 4.5 added by Stats. 1959, Ch. 1915. See note following Section 24375)

City selection committees:
Membership

24375.11. There shall be a separate and distinct city selection committee for each county in the district. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council. A majority of the members of each city selection committee shall constitute a quorum.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Meetings

24375.12. The city selection committee of each county shall meet on October 28, 1959, at 10 a.m. in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 24375.15. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the district board as prescribed in Section 24375.16. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the county clerk of such county who shall act as the recording officer for the meeting. It shall be the duty of the county clerk to notify in writing the board of supervisors of such county and also the clerk of the district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Officers

24375.13. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

Compensation

Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 5. Governing Body

(Article 5 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Board of directors:
Members

24375.15. The governing body of the district is a board of directors who shall be selected as provided in this article.

On or before October 28, 1959, the board of supervisors of each county in the district shall appoint one of its members to be a member of the board.

On October 28, 1959, the city selection committee of each county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen of the cities within such county.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.16. Each member of the first board shall hold office until June 1, 1960, and thereafter each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the board may be removed at any time in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member. Same: Terms
Removal

Any member of the board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division 13 (commencing at Section 11000) of the Elections Code, in which event his office as member of the board shall be vacant. Recall

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.17. The board is the governing body of the district and shall exercise all the powers of the district, except as otherwise provided. Powers

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.18. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board. Quorum

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.19. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars (\$25) for each day attending the meetings of the board, but such compensation shall not exceed four hundred dollars (\$400) in any one year. Compensation

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.20. The board may appoint an executive secretary. The executive secretary shall be the chief administrative officer of the district. He shall be responsible for the preparation of the district budget, the maintenance of financial and other records, the making of financial reports, and for personnel Executive
secretary

administration. He shall have authority to appoint, discipline, and dismiss employees, within civil service requirements. He shall be responsible for purchasing and inventorying, and shall have custody of all property, equipment, and supplies of the district. He shall act as secretary to the board. The control officer shall be responsible to the executive secretary for purposes of administration.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Co-operation
and con-
tracts

24375.21. The board may co-operate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this chapter.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 6. Powers and Duties

(Article 6 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Powers

24375.30. The district shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Program

24375.31. The district shall establish and execute an effective program for the reduction of air contaminants within the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Duties

24375.32. The district shall do such acts as may be necessary to carry out the provisions of this chapter.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Offices

24375.33. The board shall establish and maintain such offices wherever it deems will best facilitate the accomplishment of the district objectives.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.34. The board shall meet at such times and places as Meetings decided by the board.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.35. The board shall appoint a chairman from its Chairman members and such other officers as may be necessary.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.36. The board shall determine the compensation of, Compensation of and pay from district funds, the control officer, all of his personnel personnel, the executive secretary, and members of the hearing board.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.37. The board shall provide for the number of per- Employees sonnel to be employed by the executive secretary and for their duties and the times at which they shall be appointed.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.38. The board may contract with any city or county, Examinations any state department, or any competent person or agency for the conducting of competitive examinations to ascertain the fitness of applicants for employment and for the performance of any other service in connection with administration of the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.39. The board may adopt a civil service system for Civil service any or all employees of the district, except that the executive secretary and the attorney for the board shall be exempt from such system and shall serve at the pleasure of the board.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.40. In exercising its powers and duties, the district shall, whenever feasible, secure necessary technical, administrative and operational services by contract with public Service contracts agencies to the end that duplication of similar services and facilities is avoided to the extent possible. This section shall not be construed as requiring the board to contract for services which the board determines should, in the best interests of the district, be provided by the district or services which can be provided by the district at a lesser cost than by contract.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.41. The district shall not have any power to regulate Limitation of power or control any activity which is carried on outside the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 7. Air Pollution Control Officer

(Article 7 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Control Officer 24375.45. The executive secretary, subject to the Civil Service System, shall appoint an air pollution control officer. (Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Duties 24375.46. The control officer shall observe and enforce :
 (a) The provisions of this chapter.
 (b) All orders, regulations, and rules prescribed by the board.
 (c) All variances and standards which the hearing board has prescribed.
 (Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 8. Hearing Board

(Article 8 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Members 24375.50. Within 30 days after the district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the district board shall appoint a hearing board, to consist of five members, none of whom is otherwise employed by the district, but one of whom shall be a member of the district board. One member shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Terms 24375.51. The district board shall appoint one member of the hearing board for a term of one year, two for a term of two years, and two for a term of three years. Thereafter the terms of members of the hearing board shall be three years.
 (Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 9. Enforcement

(Article 9 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Contaminant discharge prohibited 24375.55. A person shall not discharge from any source whatsoever within the district such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.56. This article does not apply to smoke from fire set by, or permitted by, any public officer, if such fire is set, or permission given, in the performance of the official duty of such officer for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

Exceptions:
Weed abatement, etc.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.57. This article does not apply to smoke from fires set by or permitted by the county agricultural commissioner of any county within the district for agricultural operations in the growing of crops or raising of fowls or animals, if such fire is set or permission given in the performance of the official duty of such county agricultural commissioner, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24375.73.

Agricultural
fires

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.58. This article does not apply to smoke from fires set by or permitted by the State Forester or his agent for the purpose of watershed, range or pasture improvement if such fire is set or permission given in performance of the official duty of the State Forester or his agent, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24375.73.

State
Forester
fires

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.59. The provisions of Section 24375.55 do not apply to:

Agricultural
operations

(a) Agricultural operations in the growing of crops, or raising of fowls or animals, or,

(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute, or,

(c) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.

This section does not, however, authorize such operations or the use of such heaters or other equipment in violation of any general order, rule or regulation adopted by the board pursuant to Section 24375.73.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.60. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

Local
ordinances

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than or identical to the provisions of this article

and stricter than or identical to the rules and regulations adopted pursuant to this chapter, which local ordinance prohibits, regulates or controls air pollution. Counties and cities may by local ordinance provide for the local enforcement of this article and of regulations adopted pursuant to this chapter.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Same 24375.61. The provisions of this chapter do not supersede any such local county or city ordinance.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Violations 24375.62. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Rules and regulations 24375.63. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Injunction 24375.64. Any violation of any provisions of this article or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 10. Rules and Regulations

(Article 10 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Resolutions of necessity 24375.70. The board may by resolution declare it necessary that the district have rules and regulations to control the release of air contaminants in order to reduce or alleviate air pollution within the district. Such determination shall be based on surveys and studies made by the district and such other information as may be available to the district. The determination shall be made only after the board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The board shall give notice of its intention to adopt the resolution and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation in each of the counties within the district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and

Hearing

Notice

such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

Upon the conclusion of the hearing, if the board determines it to be necessary to adopt rules and regulations to control the release of air contaminants, the board shall so declare by resolution.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.71. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter. Rules and regulations

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.72. The board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such public hearing by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation published within the district. Hearing:
Notice

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.73. Whenever the board finds that the air in the district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the district, the board may make and enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the district, but no order, rule or regulation of the board shall specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants. Discomfort
or property
damage

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.74. The control officer at any time may require from any person subject to regulations of the board, such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the control officer may designate and employ a registered professional engineer of his choice to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An engineer so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report. Disclosure
and studies

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Failure to
disclose

24375.75. If any person within a reasonable time willfully fails or refuses to furnish to the control officer information or analyses requested by such control officer, or if the control officer finds that any order, rule or regulation of the board is being violated after a reasonable time has been allowed for compliance, the control officer shall notify the hearing board of such facts and request a public hearing on the matter.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Hearing:
Notice

24375.76. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer, to each board of supervisors and city council in the district, to the board of directors, and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Action

24375.77. After a public hearing, the hearing board may find that no violation exists, or may take any of the actions provided in Article 11 (commencing at Section 24375.80) or Article 12 (commencing at Section 24376) of this chapter.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 11. Variances

(Article 11 added by Stats. 1959, Ch. 1915. See note following Section 24375)

Variances

24375.80. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 9 (commencing at Section 24375.55) or 10 (commencing at Section 24375.70) of this chapter or by rules, regulations, or orders of the board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Hearing

24375.81. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 10 (commencing at Section 24375.70) of this chapter or by rules, regulations, or orders of the board is necessary and will be permitted.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Fees

24375.82. The board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applica-

tions for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.83. All fees required pursuant to Section 24375.82 shall be paid to the district treasurer to the credit of the district. Payment

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.84. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer, each board of supervisors and city council in the district, and the board of directors, and upon the applicant, if any, not less than 10 days prior to such hearing. Notice of hearing

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24375.85. If the hearing board finds that because of conditions beyond control compliance with Article 10 (commencing at Section 24375.70) of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance. Granting of variances

In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

Before granting any variance, the hearing board shall find by resolution that: Findings by resolution

(a) The variance is necessary for the applicant to enjoy property rights that would be denied him by the strict application of the rules and regulations, which would not be denied generally as a result of the same standard of enforcement in other situations.

(b) Undue hardship would result from strict application of the rules and regulations that would not accrue generally as a result of the same standard of enforcement in other situations.

(c) The effect of the variance upon the health, safety, and general welfare of the community, district, or area was considered.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Revocation,
etc.

24375.86. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Notice of
hearing:
Service

24375.87. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, each board of supervisors and city council in the district, and the board of directors, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or control officer a written request for such notification.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Manner of
service

24375.88. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Effective
time of
variances

24375.89. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Locally
granted
variances

24375.90. If any local county or city ordinance has provided regulations similar to those in Article 10 (commencing at Section 24375.70) of this chapter or to any order, regulation, or rule prescribed by the board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year whichever is shorter or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 12. Procedure

(Article 12 added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376. This article applies to all hearings which either Application Article 10 (commencing at Section 24375.70) or Article 11 (commencing at Section 24375.80) of this chapter provides shall be held by the hearing board.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.01. The hearing board shall select from its number Hearing board: Chairman a chairman.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.02. The hearing board may hold a hearing in bank Number holding hearing or may designate three of their number to hold a hearing.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.03. If three members of the hearing board conduct a Decision hearing the concurrence of two shall be necessary to a decision, but any decision rendered upon two votes shall be automatically subject to review by the full hearing board, and the full hearing board may rehear the matter.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.04. The hearing board, not less than two being Rehearing present, may, in its discretion, within 30 days rehear any matter which was decided by a single member.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.05. Whenever the members of the hearing board con- Subpoena ducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.06. A subpoena to appear before the hearing board Service shall be served in the same manner as a subpoena in a civil action.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.07. Whenever any person duly subpoenaed to appear Disobedience and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in con-

tempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Attachment

24376.08. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Contempt
proceedings

24376.09. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Oaths

24376.10. Every member of the hearing board may administer oaths in every hearing in which he participates, and at any hearing the hearing board may require all or any witnesses to be sworn before testifying.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Injunction
proceedings

24376.11. Whenever the hearing board finds that any person is in violation of any order, rule or regulation of the board, and that no variance is justified, and that reasonable time has been allowed for compliance, the hearing board shall certify such facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in and for the county for the issuance of an injunction restraining such person or persons from continuing any activity causing or threatening a pollution or nuisance. The district attorney may, but is not required to, associate in the prosecution of such action, the counsel for the board. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Special
proceedings

24376.12. Any person deeming himself aggrieved, including the district, may maintain a special proceeding in a

superior court within the district, to determine the reasonableness and legality of any action of the hearing board.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.13. Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial Trial de novo de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 13. Financial Provisions

(Article 13 added by Stats. 1959, Ch. 1915. See note following Section 24375)

24376.20. The district may incur indebtedness by the issuance of negotiable promissory notes pursuant to this section for any purpose for which the district is authorized to expend funds. Such notes shall be general obligations of the district payable from taxes levied and collected on the taxable real property within the district as hereinafter provided, and shall mature not later than June 30th of the ensuing fiscal year to that in which they are issued, and shall bear interest at a rate not to exceed 6 percent per annum, payable as provided therein. The aggregate amount of such notes outstanding at any one time shall not exceed 75 percent of the total amount of the district treasurer's estimate of moneys from taxes on the taxable real property within the district to be received either in the fiscal year in which the indebtedness is to be incurred or in the ensuing fiscal year. Such notes shall be issued in the form and in the manner provided for by a resolution of the board and shall be signed by a member of the board designated for that purpose and by the district treasurer. The district shall not incur any indebtedness pursuant to this section unless and until a majority of the voters of the district voting at an election called and held in accordance with the provisions of Article 6 (commencing at Section 58160) of Chapter 1, Division 1, Title 6 of the Government Code, have voted in favor of the proposal to incur the indebtedness. Incurring indebtedness

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

24376.21. Before the fifteenth day of June of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real estate of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to Apportionment of money

Limitation it. The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one-half cent (\$0.005) on each one hundred dollars (\$100) of the assessed valuation of all the property included within the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Taxes: Levy 24376.22. On or before the fifteenth day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable real property within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Collection 24376.23. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Loans 24376.24. At any time prior to the first receipt by the district of revenues from taxation, the counties within the district may loan any available money to the district for purposes of organization and operation and such expenditures shall constitute a proper expenditure of county funds. The board shall add the sums of money so borrowed from the counties to the first amount apportioned by the board pursuant to Section 24376.21, and shall repay the counties for all money borrowed from the first revenues received from taxation.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Payment by counties 24376.25. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

District treasurer 24376.26. The district treasury shall be in the custody of the county treasurer of a county in the district designated by the board and such treasurer shall be the district treasurer.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Financial provisions 24376.27. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

Article 14. Dissolution

(Article 14 added by Stats. 1959, Ch. 1915. See note following Section 24375)

24367.30 [24376.30]. A district may be dissolved in the following manner: Manner

(a) The boards of supervisors of the counties containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district. Resolution

(b) The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the board.

(c) If it appears that the resolutions were adopted by the boards of supervisors in the counties desiring to withdraw, and that such counties contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution. The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Such resolution shall be published pursuant to Section 6066 of the Government Code in each county within the district and the first publication shall be at least 30 days prior to the date of election. Election

(d) If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from taxation as shall be necessary to wind up the affairs of the district.

(e) Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified Dissolution
resolution

copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of State. Upon the adoption of such resolution the district shall be dissolved.

(Added by Stats. 1959, Ch. 1915. See note following Section 24375.)

CHAPTER 3. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205)

24380. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

24381. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

24382. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

24383. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

24384. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

24385. (Added by Stats. 1939, Ch. 106, as part of codification; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

CHAPTER 4. ABANDONED EXCAVATIONS

Covering or
fencing:
Private land

24400. Every person owning land in fee simple or in possession thereof under lease or contract of sale who knowingly permits the existence on the premises of any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation dangerous to persons legally on the premises, or to minors under the age of twelve years, who fails to cover or fence securely any such dangerous abandoned excavation and keep it so protected, is guilty of a misdemeanor.

(Amended by Stats. 1949, Ch. 136.)

Public land

24401. The board of supervisors may order securely covered or fenced abandoned mining excavations on unoccupied public lands in the county.

Unoccupied
land

24402. The board of supervisors shall order securely fenced or covered any abandoned mining shaft, pit, or other excavation on unoccupied land in the county whenever it appears to them, by proof submitted, that the excavation is dangerous or unsafe to man or beast. The cost of covering or fencing is a county charge.

Malicious
removal

24403. Every person who maliciously removes or destroys any covering or fencing placed around any shaft, pit, or other excavation, as provided in this article, is guilty of a misdemeanor.

CHAPTER 5. MISCELLANEOUS PENAL PROVISIONS

24800. Every person charged with the performance of any **Penalty** duty under the laws of this State relating to the preservation of the public health, who wilfully neglects or refuses to perform the same, is guilty of a misdemeanor.

CHAPTER 6. SEPTIC TANKS, CESSPOOLS AND SEEPAGE PITS

(Chapter 6 added by Stats. 1945, Ch. 1015)

25000. The provisions of this chapter shall not apply to any city, town, county, sanitary district, sanitation district, sewer maintenance district or to any agency or institution of the State or the Federal Government by reason of the cleaning of septic tanks, cesspools, sewage seepage pits or sewage works which are owned and operated by any of said governmental agencies or institutions. **Exemption of public agency**

(Added by Stats. 1945, Ch. 1015.)

25001. It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless he or it shall hold an unrevoked registration issued by the local health officer or his duly authorized representative of said city, town, county, or city and county for the carrying on of said business. **License to clean**

(Added by Stats. 1945, Ch. 1015.)

25002. It is unlawful for any person to clean septic tanks, cesspools or sewage seepage pits or to dispose or aid in the disposal of the cleanings thereof, for any person or firm engaged in the business of cleaning out septic tanks, cesspools or sewage seepage pits or disposing of the cleanings thereof who does not hold an unrevoked registration as provided in this chapter. **Registration**

(Added by Stats. 1945, Ch. 1015.)

25003. All applications for registration under this chapter shall be filed with the local health officer in the city, town, county, or city and county in which it is desired to carry on the business. The application shall state the name in full, if a partnership then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership, and shall state the exact location of the place at which it is proposed to dispose of cleanings. The application shall be signed by the authorized officer of a corporation, if a corporation; or by the managing partner, if a partnership. **Application for registration**

(Added by Stats. 1945, Ch. 1015; amended by Stats. 1957, Ch. 205.)

25004. Registration shall be issued only after a satisfactory **Examination** examination by the health officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions,

and in selecting laborers and employees who may clean out septic tanks, cesspools and sewage seepage pits without endangering human health or comfort; and only after examination of the place or places and manner of disposal of the cleanings proposed by said applicant.

(Added by Stats. 1945, Ch. 1015.)

Action on
application

25005. The health officer is required to act upon each application within thirty (30) days of the date of filing same.

(Added by Stats. 1945, Ch. 1015.)

Registration
period

25006. Registration shall be only for the unexpired portion of the calendar year in which application is made, and at the end of the calendar year all registrations shall become void and of no effect.

(Added by Stats. 1945, Ch. 1015.)

Conditions of
registration

25007. Applicants may be registered under such terms, conditions, orders and directions as the health officer or his duly authorized representative may deem necessary for the protection of human health and comfort. Each health officer and his duly authorized representative are hereby empowered to require any and all persons who are registered with him to clean septic tanks, cesspools or sewage seepage pits or to dispose of the cleanings therefrom, to file with the health officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool or sewage seepage pit shall have been cleaned out by said registrant or his employees or by others on his behalf and said statement shall also describe in precise terms the place where the cleanings shall have been disposed of and by whom. The health officer is empowered to require such statements to be sworn to before a notary.

(Added by Stats. 1945, Ch. 1015.)

Change of
address

25008. A change of address of any registrant including a member of a partnership which is registered and of the place of business thereof shall be reported in writing by registered mail by the registrant within two days after said change of address.

(Added by Stats. 1945, Ch. 1015.)

Revocation
of regis-
tration

25009. Any registration issued under this chapter may be revoked by the issuing health officer for cause on 10 days' notice to applicant, which notice shall be served by registered mail or in person at the latest place of residence or of business reported by the applicant.

(Added by Stats. 1945, Ch. 1015.)

Penalty

25010. Violation of any of the provisions of this chapter or of any order or orders of a health officer made pursuant to this chapter for the protection of human health and comfort shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100) for each offense or by imprisonment for not less than thirty (30) days or by both such fine and imprisonment.

(Added by Stats. 1945, Ch. 1015.)

CHAPTER 7. RADIOACTIVE WASTES

(Chapter 7 added by Stats. 1955, Ch. 1868)

25600. As used in this chapter the following terms have the Definitions
meanings described in this section:

(a) "Radioactive wastes" means any nonusable materials which have been contaminated with radioactive particles or compounds which emit Gamma rays and Alpha and Beta particles.

(b) "Department" means the State Department of Public Health.

(c) "Person" includes any association of persons, copartnership or corporation.

(Added by Stats. 1955, Ch. 1868.)

25601. No person shall bury, throw away, or in any manner Prohibited disposal
dispose of radioactive wastes in such a manner as to endanger the lives or health of human beings.

(Added by Stats. 1955, Ch. 1868.)

25602. The department may, by written order, prohibit the Order
disposal of radioactive wastes by any person when, upon investigation, it has determined that such disposal violates the provisions of Section 25601.

(Added by Stats. 1955, Ch. 1868.)

25603. The issuance of an order provided in Section 25602 Same
shall not prevent any person from disposing of radioactive wastes if such disposal is not prohibited by Section 25601.

(Added by Stats. 1955, Ch. 1868.)

25604. The department may bring an action in a court of Injunction
competent jurisdiction to enjoin the disposal of radioactive wastes in a manner contrary to the terms of any written order issued by the department pursuant to Section 25602. The court may, if it appears necessary, enjoin any person from using special nuclear material who thereby produces radioactive wastes during the period that such radioactive wastes, to the knowledge of such person, is being disposed of in violation of the provisions of this chapter.

(Added by Stats. 1955, Ch. 1868.)

CHAPTER 7.5. ATOMIC ENERGY DEVELOPMENT AND
RADIATION PROTECTION

(Chapter 7.5 added by Stats. 1959, Ch. 1819)

Article 1. Short Title

(Article 1 added by Stats. 1959, Ch. 1819)

25700. This chapter may be cited and shall be known as Short title
the California Atomic Energy Development and Radiation Protection Law.

(Added by Stats. 1959, Ch. 1819.)

25701. (Added by Stats. 1959, Ch. 899, to Chapter 8, below.)

25702. (Added by Stats. 1959, Ch. 899, to Chapter 8, below.)

Article 2. Declaration of Policy

(Article 2 added by Stats. 1959, Ch. 1819)

Declaration
of policy

25710. The Legislature finds and declares that the peacetime uses of atomic energy and radiation can be instrumental in improving the health, welfare and economic productivity of the people of the State of California if properly utilized, and may be hazardous to the health and safety of the public if carelessly or excessively employed. It is therefore declared to be the policy of the State to:

(a) Encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation.

(b) Have state agencies retain their traditional jurisdictions wherever possible.

(c) Have various departments and agencies of the State which are concerned with atomic energy and radiation and its various applications develop programs designed to protect the people of the State from unnecessary exposure to radiation.

(d) Assure the co-ordination of the programs of the state agencies and the laws, rules and regulations incident thereto and to insure the co-ordination of these activities with the development and regulatory activities of local agencies, other states and the Government of the United States, including the Atomic Energy Commission.

(e) Keep the public, labor, industry, and all other legitimate interests as completely informed as possible on all matters relating to peacetime atomic energy and radiation development and control in this State.

(Added by Stats. 1959, Ch. 1819.)

Article 3. Definitions

(Article 3 added by Stats. 1959, Ch. 1819)

"Atomic
energy"

25720. "Atomic energy" means all forms of energy released in the course of nuclear transformation.

(Added by Stats. 1959, Ch. 1819.)

"Radiation"

25721. "Radiation" means any or all of the following forms of ionizing radiation: gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles or rays, but does not include sound or radio waves, or visible, infrared, or ultraviolet light.

(Added by Stats. 1959, Ch. 1819.)

Article 4. Co-ordinator of Atomic Energy Development and Radiation Protection

(Article 4 added by Stats. 1959, Ch. 1819)

25730. There is in the Office of the Governor the position of Co-ordinator of Atomic Energy Development and Radiation Protection who shall be appointed by, and serve at the pleasure of, the Governor. The co-ordinator may appoint such clerical and secretarial employees as are necessary to perform his duties and may fix their salaries, subject to the approval of the Director of Finance. The co-ordinator and his staff shall be known as the Office of Atomic Energy Development and Radiation Protection. The compensation of the co-ordinator shall be fixed by the Director of Finance. He shall be a full-time officer and shall serve as advisor to the Governor with respect to the development of atomic energy and radiation protection in the State.

Appoint-
ment:
Powers,
duties, etc.

(Added by Stats. 1959, Ch. 1819.)

25731. The co-ordinator shall perform the liaison function between the State and the Federal Government, including the United States Atomic Energy Commission, and between this State and other states in matters pertaining to atomic energy development and radiation protection.

Liaison
functions

(Added by Stats. 1959, Ch. 1819.)

25732. The co-ordinator shall co-ordinate the programs, and rules and regulations of the several departments and agencies of the State and the cities and counties relating to atomic energy development and radiation protection, and shall so far as may be practicable co-ordinate the studies conducted and the recommendations and proposals made in this State on these subjects with like activities in other states and by the Federal Government and with the policies and regulations of the United States Atomic Energy Commission.

Co-ordina-
tion duties

The departments and agencies of the State which are concerned with atomic energy and radiation, their various applications and uses, and the cities and counties, shall keep the co-ordinator currently informed as to their activities and programs relating to atomic energy and radiation.

(Added by Stats. 1959, Ch. 1819.)

25733. No state department or other state agency shall adopt, amend or repeal any rule or regulation, except emergency rules or regulations, relating to atomic energy development or radiation protection unless and until the proposed rule or regulation, or amendment thereto, or repeal thereof, has been first submitted to the co-ordinator for such comments, recommendations, or suggestions he may deem necessary or desirable with respect thereto.

Rules and
regulations

(Added by Stats. 1959, Ch. 1819.)

25734. No rule or regulation applying to atomic energy development or radiation protection or amendment thereto or repeal thereof which any state agency may propose to adopt, unless it be an emergency regulation, shall be noticed under

Same:
Notice

the provisions of Section 11423 of the Government Code prior to 30 days after it has been submitted to the co-ordinator.

(Added by Stats. 1959, Ch. 1819.)

Recommendations

25735. The co-ordinator may when he deems necessary or appropriate recommend to any state department or other state agency the adoption, amendment, or repeal of rules and regulations relating to atomic energy development and radiation protection.

(Added by Stats. 1959, Ch. 1819.)

Informing Governor, etc.

25736. The co-ordinator shall keep the Governor and the various interested state departments and agencies and the cities and counties informed of private and public activities affecting the peacetime uses of atomic energy and radiation and shall enlist their co-operation in protecting the health, safety and general welfare of the people of the State.

(Added by Stats. 1959, Ch. 1819.)

Dissemination of information

25737. The co-ordinator shall disseminate to the public factual data and information and interpretations thereof concerning atomic energy development and the uses of radiation in the State with the view to providing a reliable source of accurate information relating to the benefits and hazards of such development and uses.

(Added by Stats. 1959, Ch. 1819.)

Report to Governor

25738. The co-ordinator shall submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each regular session of the Legislature recommending such action or legislation as he deems necessary or desirable, and shall submit his first report to the Governor and to the Legislature at the 1961 Regular Session, including but not limited to information and recommendations on:

(a) The environmental monitoring and surveillance program of the State relating to radiation.

(b) The adequacy of the radiological laboratory facilities of the State necessary for discharging the duties and performing the service required by state agencies, whether or not there should be a centrally located laboratory facility to service all state agencies, and if so where it should be located administratively, or whether it would be feasible for the State to contract with private organizations for any needed technical laboratory work.

(c) The need for personnel trained in various aspects of radiological safety.

(d) The need for a program for the inspection of sources of radiation within the State.

(Added by Stats. 1959, Ch. 1819.)

Consultation and advice

25739. The co-ordinator may consult with and seek the advice of technically qualified persons within and without the State to advise on matters relating to atomic energy and radiation protection, particularly with regard to rules, regula-

tions and safety standards relating to radiation usage and exposure.

(Added by Stats. 1959, Ch. 1819.)

Article 5. Departmental Co-ordinating Committee

(Article 5 added by Stats. 1959, Ch. 1819)

25750. There is in the State Government the Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection which shall consist of the Co-ordinator of Atomic Energy Development and Radiation Protection as chairman and the heads of the following state departments and agencies, or the individuals designated by the heads of such departments or agencies to represent them: the Department of Public Health, the Department of Industrial Relations, the Department of Water Resources, the Department of Natural Resources, the Department of Fish and Game, the State Water Pollution Control Board, the California Disaster Office, the Attorney General, the Department of Agriculture, the Department of Public Works, the Department of Education, the Department of Finance, the University of California, the Public Utilities Commission, and such other state departments or agencies as the Governor may select.

Creation and members

(Added by Stats. 1959, Ch. 1819.)

25751. Meetings of the committee shall be held as called by the co-ordinator or upon request of four or more of the members.

Meetings

(Added by Stats. 1959, Ch. 1819.)

25752. The committee shall assist in the co-ordination and development of the programs and activities of the various state departments and agencies in matters pertaining to atomic energy development and radiation protection and shall report thereon to the Governor from time to time or upon his request.

Duties

(Added by Stats. 1959, Ch. 1819.)

Article 6. Advisory Council

(Article 6 added by Stats. 1959, Ch. 1819)

25760. There is in the State Government an Advisory Council on Atomic Energy Development and Radiation Protection, consisting of the Co-ordinator of Atomic Energy Development and Radiation Protection and nine members appointed by the Governor. One member shall be appointed from each of the following fields: industry, labor, medicine, education, science and technology, agriculture, insurance, city government, and county government.

Advisory Council

(Added by Stats. 1959, Ch. 1819.)

25761. Of the members first appointed four shall be appointed by the Governor to serve a term which shall expire on October 1, 1960, and five shall be appointed to serve a term which shall expire on October 1, 1961. Thereafter all members shall be appointed for terms of two years, except that members appointed to fill vacancies prior to the expiration of a term

Terms

shall be appointed for the remainder of such term. The chairman shall be selected by the Governor, and the co-ordinator shall act as secretary to the council.

(Added by Stats. 1959, Ch. 1819.)

Compensation

25762. Members of the council shall receive no compensation but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

(Added by Stats. 1959, Ch. 1819.)

Meetings

25763. The council shall meet at least twice each year at the call of the Governor.

(Added by Stats. 1959, Ch. 1819.)

Duties

25764. The council shall evaluate the programs of the several state departments and agencies and advise and make recommendations to the Governor bearing on the development of state policy in the field of atomic energy development and radiation protection.

(Added by Stats. 1959, Ch. 1819.)

Article 7. Permits and Licenses Required

(Article 7 added by Stats. 1959, Ch. 1819)

Violations:
Penalty

25770. It is unlawful for any person to manufacture, construct, produce, transfer, acquire, use, or possess any of the materials or facilities for which a permit or license is required under the provisions of the Atomic Energy Act of 1954 (Public Law 85-256) unless he shall have first obtained such permit or license. Violation of this section is a misdemeanor.

(Added by Stats. 1959, Ch. 1819.)

Information

25771. The Department of Public Health shall keep current information on the permits or licenses issued by the United States Atomic Energy Commission in the State and shall transmit such information to the Co-ordinator of Atomic Energy Development and Radiation Protection and upon request to any state department or agency or member of the public.

(Added by Stats. 1959, Ch. 1819.)

Article 8. Registration of Sources of Radiation

(Article 8 added by Stats. 1959, Ch. 1819)

Registration

25780. Any person possessing a source of radiation shall register with the Department of Public Health pursuant to rules and regulations which shall be promulgated by the Board of Public Health and shall give such information relating to such source of radiation as shall be required by such rules and regulations on forms to be prescribed by the Board of Public Health and furnished by the department. Violation of this section is a misdemeanor.

(Added by Stats. 1959, Ch. 1819.)

Information

25781. The information obtained by registrations under Section 25780 shall be transmitted by the department to the Co-ordinator of Atomic Energy Development and Radiation

Protection and shall be made available to state departments and agencies, city and county governments, and the public.

(Added by Stats 1959, Ch. 1819.)

CHAPTER 8. TOYS

(Chapter 8 added by Stats. 1959, Ch. 899)

25701. "Toy," as used in this chapter, means an article designed and made for the amusement of a child or for his use in play.

(Added by Stats. 1959, Ch. 899.)

25702. Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; or (3) has been produced, prepared, packed or held under insanitary conditions.

(Added by Stats. 1959, Ch. 899.)

CHAPTER 10. LABEL REQUIREMENTS

(Chapter 10 added by Stats. 1959, Ch. 966.

Operative January 1, 1960)

25900. Cautionary statements which are required by law, or regulations adopted pursuant to law, to be printed upon the labels of containers in which dangerous drugs, poisons, and other harmful substances are packaged shall be printed in the English language in a conspicuous place in type of conspicuous size in contrast to the typography, layout, or color of the other printed matter on the label.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25901. Unless a specific color is prescribed, the cautionary statements may be printed in any color, but preferably red, upon a plain and distinctly contrasting background.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

25902. The words "safe," "safely," "safety," or words having the same meaning which would detract from the value of the cautionary statement shall not be used upon the labels of containers of dangerous drugs, poisons, and other highly toxic substances.

(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

- Exceptions 25903. Nothing in this chapter shall apply to products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, Seventy-eighth Congress, Second Session).
(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)
- Misdemeanor 25904. Any violation of this chapter is a misdemeanor.
(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)
- Operative date 25905. The provisions of this chapter shall become operative January 1, 1960.
(Added by Stats. 1959, Ch. 966. Operative January 1, 1960.)

DIVISION 21. DRUGS, FOODS AND COSMETICS

(Division 21 added by Stats. 1939, Ch. 730)

CHAPTER 2. DRUGS

(Chapter 2 added by Stats. 1939, Ch. 730)

Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 730)

- "Drug" 26200. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3).

(Added by Stats. 1939, Ch. 730; amended by Stats. 1957, Ch. 352.)

- Vitamin or mineral content: Label 26200.5. Any concentrated substance represented for use by man because of its vitamin or mineral content when medicinal claims are made on the label, shall, on its label and in its printed or written advertising, bear the common or usual name of each vitamin or mineral on which such use is based. If such use is based on the content of any such vitamin or mineral, the label and printed or written advertising shall bear or contain a statement of the proportion of such vitamin or mineral expressed as international units, United States Pharmacopoeia, or other accepted standard units.

(Added by Stats. 1941, Ch. 1210; amended by Stats. 1943, Ch. 779, and by Stats. 1957, Ch. 352.)

26201. "Drug" does not include devices or their components, parts, or accessories.

(Added by Stats. 1939, Ch. 730.)

26202. "Device" means instruments, apparatus and contrivances, including their components, parts, products or by-products of a device, and accessories, used or intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26203. "Official compendium" means the Official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(Added by Stats. 1939, Ch. 730.)

26204. "Label" means a display of written, printed or graphic matter upon the immediate container of any article.

(Added by Stats. 1939, Ch. 730.)

26205. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(Added by Stats. 1939, Ch. 730.)

26206. "Immediate container" does not include package liners.

(Added by Stats. 1939, Ch. 730.)

26207. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

(Added by Stats. 1939, Ch. 730.)

26208. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(Added by Stats. 1939, Ch. 730.)

26209. The term "advertisement" means all representations including, but not limited to, statements upon containers, packages, cartons, and any other container, disseminated in any manner or by any means, for the purpose of inducing, or

which are likely to induce, directly or indirectly, the purchase or sale of drugs or devices.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, by Stats. 1943, Ch. 779, by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 693.)

Representa-
tion as
antiseptic

26210. The representation of a drug or device, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

"New drug"

26211. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

(Added by Stats. 1939, Ch. 730.)

"Prescrip-
tion"

26211.5. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of the patient, name and quantity of drug or drugs or device prescribed, directions for use and the date of issue.

(Added by Stats. 1951, Ch. 1615; amended by Stats. 1955, Ch. 1079.)

"Contami-
nated with
filth"

26212. The term "contaminated with filth" applies to any drug or device not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Construction

26213. The provisions of this chapter regarding the selling, purchasing or use of drugs and devices, shall be considered to include the manufacture, production, processing, packing, exhibition, offering, possessing and holding of any such articles for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any establishment.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

"Package"

26214. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel

or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any drug or device.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26215. "Federal act" means the Federal Food, Drug and Cosmetic Act. "Federal act"
U.S.C., Title 21, Ch. 9

(Added by Stats. 1939, Ch. 730.)

26216. The sections contained in Chapter 2 of Division 21 of the Health and Safety Code may be known as the California Pure Drugs Act. Title

(Added by Stats. 1943, Ch. 779.)

Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 730)

26230. A drug shall be deemed to be adulterated if, when a drug is sold under or by a name recognized in an official compendium, it differs from the standard of strength, quality or purity as determined by the test laid down in the official compendium at the time of investigation. Variance from standards

(Added by Stats. 1939, Ch. 730.)

26231. No drug defined in an official compendium shall be deemed to be adulterated under Section 26230 because it differs from the standard of strength, quality or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label. Where difference plainly stated on label

(Added by Stats. 1939, Ch. 730.)

26232. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia. Requirements applicable

(Added by Stats. 1939, Ch. 730.)

26233. A drug or device shall be deemed to be adulterated if its strength differs or its purity falls below the professed standard or quality under which it is sold. When deemed adulterated

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 1079.)

26234. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health. Components, production, etc.

(Added by Stats. 1939, Ch. 730.)

Components,
coloring,
etc.

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1957, Ch. 205.)

Article 3. Misbranding

(Article 3 added by Stats. 1939, Ch. 730)

"Mis-
branded"

26240. The term "misbranded" shall apply to all drugs or devices, the package or label of which bears any statement, design, or emblem regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any drug or device which is falsely branded or labeled as to the county, city and county, city, town, State, Territory, District of Columbia, or foreign country in which it is manufactured or produced.

(Added by Stats. 1939, Ch. 730.)

Contents
of label

26241. A drug or device shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 730.)

Same:
Display

26242. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 730.)

26243. A drug shall be deemed to be misbranded if it is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of

each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscyne, hyoscyamine, codeine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances, contained therein.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210.)

26244. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users.

Directions

The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

Cautionary statements

If any requirement of clause (1) of this section as applied to any drug or device is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 966. Operative January 1, 1960.)

26245. A drug shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The method of packing may be modified with the consent of the board.

Packaging and labeling

(Added by Stats. 1939, Ch. 730.)

26246. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

Same

(Added by Stats. 1939, Ch. 730.)

26247. A drug shall be deemed to be misbranded if it has been found by the board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health. The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

Drug liable to deterioration

Cautionary statements

No such regulation shall be established for any drug recognized in an official compendium until the board has informed

the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 966. Operative January 1, 1960.)

Containers 26249. A drug shall be deemed to be misbranded (1) if its container is so made, formed, or filled as to be misleading; **Imitation** (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(Added by Stats. 1939, Ch. 730.)

Prescriptions in labeling 26250. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

(Added by Stats. 1939, Ch. 730.)

26251. (Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, by Stats. 1943, Ch. 779 and in identical language by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1951, Ch. 1615.)

Drug or device sold on prescription 26252. A drug or device sold on a prescription of a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if: (1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug or device, and (2) Such drug or device bears a label containing the name and place of business of the seller, the serial number and date of such prescription, the name of the person for whom such drug or device is prescribed, the name of such member of the medical, dental or veterinary profession, and bears directions for use as prescribed by such member of the medical, dental or veterinary profession.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 1079.)

Imitation or substitute 26253. A drug shall be deemed mislabeled or misbranded: (1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779 and by Stats. 1951, Ch. 1615.)

Morphine, etc. 26254. A drug shall be deemed to be misbranded if the package as offered for sale at retail or wholesale fails to bear a statement on the label of

(1) The quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, barbituric acid, bromal, carbromal, coca, marijuana, paraldehyde, peyote, or sulfonmethane, and

(2) The quantity of any chemical derivative of such substances or any derivative or preparation of any such substances, contained therein, which derivative has been by the board after investigation, found to be, and by regulations under this act, designated as, habit forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—may be habit forming." The warning shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1959, Ch. 966. Operative January 1, 1960.)

26255. (1) A drug intended for use by man which:

(a) Is a habit-forming drug to which Section 26254 applies; or

Habit-forming,
toxic, etc.,
drugs

(b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(c) Is limited by an effective application under Section 26288 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.

(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Sections 26241, 26242, 26243, 26244, 26245, 26246, 26247, 26250, and 26254, and the provisions of Section 26249 deeming a drug misbranded if its container is so formed, made, or filled as to be misleading, except the packaging requirements of Sections 26245, 26246 and 26247. If the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subdivision (1) of this section.

Exceptions

(3) The board may by regulation remove drugs subject to Section 26254 and Section 26288 from the requirements of subdivision (1) of this section when such requirements are not necessary for the protection of the public health.

Cautionary
statements

(4) A drug which is subject to subdivision (1) of this section shall be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription," or "Caution: Not to be dispensed without a prescription." The cautionary statements shall be printed as prescribed in Chapter 10 (commencing at Section 25900), Division 20 of this code. A drug to which subdivision (1) of this section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement provided for in this subdivision.

Construction

(5) Nothing in this section shall be construed to relieve any person from any requirement described by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in Division 10 (commencing at Section 11000) of this code.

(Added by Stats. 1955, Ch. 1079; amended by Stats. 1959, Ch. 966. Operative January 1, 1960.)

Article 4. Advertising

False adver-
tisement

26270. An advertisement of a drug or device shall be deemed to be false if it is false or misleading in any material particular.

(Added by Stats. 1939, Ch. 730.)

Prescription
for venereal
disease
drugs, etc.

26271. No person shall compound for, give, or sell to any person any drugs, medicines, or other substances advertised, called for, labeled, or to be used for, the cure or treatment of gonorrhea, syphilis, chaneroid, lymphogranuloma inguinale, or granuloma inguinale except upon prescription of a duly licensed physician. Such prescription shall not be transferable to any person except the patient whose name appears thereon, and shall be kept on file by the person or firm providing the drug, medicine, or substance for two years during which it shall be open to inspection by any authorized agent of the State Department of Public Health. Prescriptions containing sulfanilamide, its compounds or derivatives, issued under this section, cannot be refilled without the order of the physician who prescribed same.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1941, Ch. 1210, and by Stats. 1943, Ch. 779; repealed and added by renumbering by Stats. 1951, Ch. 1615.)

26271(a). (Added by Stats. 1943, Ch. 779; amended and renumbered by Stats. 1951, Ch. 1615, to be 26271.)

Exception

26272. An advertisement not in violation of Section 26270 is not prohibited under Section 26286.5 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodi-

cals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

26273. Whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in Section 26286.5, the board shall by regulation authorize the advertisement of drugs or devices having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health.

Safe self-medication

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, and by Stats. 1955, Ch. 1079.)

26274. This chapter shall not be construed as indicating that self-medication for diseases other than those named is safe or efficacious.

Construction of article

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615.)

26275. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the drug or device to which a false advertisement relates, shall be liable under this article by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

Liability under article

(Added by Stats. 1939, Ch. 730.)

Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 730)

26280. The manufacture, production, preparation, compounding, packing, selling, offering for sale, advertising or keeping for sale within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any drug or device which is adulterated or misbranded is prohibited.

Manufacture, etc.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26281. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any drug or device which is adulterated or misbranded, or any person who manufactures, produces, prepares, compounds, packs, sells, offers for sale, or keeps for sale, in the State of California any such adulterated or misbranded drug or device shall be guilty of a misdemeanor punishable as provided in Section 26295.

Importation, etc.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Exports

26282. No article shall be deemed misbranded or adulterated within the provisions of this chapter when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If the article is in fact sold or offered for sale for domestic use or consumption, then this section shall not exempt the article from the operation of any of the other provisions of this chapter.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Alteration
of labels

26283. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a drug or device is unlawful if such act results in such article being misbranded.

(Added by Stats. 1939, Ch. 730.)

Forging of
labels

26284. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited.

(Added by Stats. 1939, Ch. 730.)

Adulteration
and mis-
branding

26285. The adulteration or misbranding of any drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

False adver-
tisements

26286. The dissemination of any false advertisement of a drug or device is prohibited.

(Added by Stats. 1939, Ch. 730.)

Same

26286.5. The advertisement of a drug or device represented to have any effect in any of the following diseases is unlawful and prohibited: albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infection, smallpox, encephalitis, tumors, typhoid, uremia, venereal disease, whooping cough, tuberculosis, ulcers of the stomach, and varicose ulcers.

(Added by Stats. 1951, Ch. 1615.)

Representa-
tion as new
drug or
device

26287. The using on the labeling of any drug or device or in any advertisement relating to such drug or device of any representation or suggestion that an application with respect to such drug or device is effective under Section 26288 or that such drug or device complies with the provisions of that section is prohibited.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079.)

26288. The sale, offering for sale, holding for sale, delivering or giving away of any new drug or device is unlawful and prohibited unless (1) an application with respect thereto has become effective under Section 505 of the federal act, or (2) if the drug or device is not subject to the federal act unless such drug or device has been tested and has been found to be safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug or device there has become effective an application filed with the board setting forth:

New drugs
or devices:
Applications

(a) Full reports of investigations which have been made to show whether or not such drug or device is safe for use;

(b) A full list of the articles used as components of such drug or device;

(c) A full statement of the composition of such drug or device;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug or device.

(e) Such samples of such drug or device and of the articles used as components of the drug or device as the board may require; and

(f) Specimens of the labeling and advertisements proposed to be used for such drug or device.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1951, Ch. 1615, by Stats. 1955, Ch. 1079, and by Stats. 1959, Ch. 1623.)

26289. An application provided for in subdivision (2) of Section 26288 shall become effective on the sixtieth day after the filing thereof unless, prior to such day, the board by written notice to the applicant postpones the effective date of the application to such time as the board deems necessary to enable it to study and investigate the application. In no event shall such postponement exceed 180 days after the filing of the application.

When
effective

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 1623.)

26290. The board shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective, if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

Refusal of
application

(a) The investigations, reports of which are required to be submitted to the board pursuant to subdivision (2) of Section 26288, do not include adequate tests by all methods reasonably applicable to show whether or not a drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof.

(b) The results of tests specified in subdivision (a) show that a drug or device is unsafe for use under the conditions specified in subdivision (a) or do not show that the drug or device is safe for use under such conditions.

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of a drug or device are inadequate to preserve its identity, strength, quality, and purity.

(d) Upon the basis of the information submitted to it as part of the application, or upon the basis of any other information before it with respect to a drug or device, it has insufficient evidence to determine whether the drug or device is safe for use under the conditions specified in subdivision (a).

(e) The application contains any untrue statement of a material fact.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079, and by Stats. 1959, Ch. 1623.)

Suspension of
application

26290.5. (a) The board shall issue an order suspending the effect of an application concerning any drug or device if, after due notice to the applicant and opportunity for a hearing, the board finds either of the following:

(1) That clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when the application became effective show that a drug or device is unsafe for use under the conditions of use which formed the basis for the application becoming effective.

(2) That the application contains any untrue statement of a material fact.

(b) The order shall state the findings upon which it is based.

(Added by Stats. 1959, Ch. 1623.)

Revocation
of refusal

26291. An order refusing to permit an application, concerning any drug or device, to become effective shall be revoked whenever the board finds that the facts justify such action.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1959, Ch. 1623.)

Exceptions

26292. Section 26288 shall not apply to any of the following:

(1) To a drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs or devices, if all of the following conditions are complied with:

(a) The label of the drug or device bears the statement "Caution: New drug (or device). Limited by law to investigational use."

(b) The drug or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings in equivalent dosage and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety of such drugs or devices.

(c) The drug or device is to be used solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show that the expert has adequate facilities for the investigation to be conducted by him, and that the drug or device will be used solely by him or under his direction for the investigation, unless and until an application becomes effective, concerning such drug or device, under Section 26289.

(e) The statement referred to in subdivision (d) is kept by the expert and complete records showing the date, quantity and batch or code mark (if any) of each such shipment and delivery.

(f) All records and statements referred to in subdivision (d) and (e) are made available by the expert for inspection upon the request of any agent of the board at any reasonable hour until three years after the introduction of such shipment or delivery into intrastate commerce.

(2) To a drug or device sold in this State at any time prior to the effective date of this chapter, or to a drug introduced into interstate commerce at any time prior to the enactment of the federal act.

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of March 4, 1913 (37 Stat. 832), or Chapter 4 (commencing at Section 1600) of Division 2 of this code.

(4) To products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, Seventy-eighth Congress—Second Session).

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 1079, and by Stats. 1959, Ch. 1623.)

26293. The possession, sale, or offering for sale of any adulterated, mislabeled or misbranded drugs or devices by any manufacturer, producer, jobber, packer or dealer in drugs or devices, or broker, commission merchant, agent, employee or servant of any such manufacturer, producer, jobber, packer, or dealer shall be prima facie evidence of the violation of this chapter. Evidence

(Added by Stats. 1939, Ch. 730.)

26294. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the board to any factory, warehouse, or establishment in which a drug or device is, or is suspected of being manufactured, processed, packed or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such drug or device. Preventing Inspection

(Added by Stats. 1957, Ch. 352.)

26295. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties

If the violation is committed after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 730.)

Guaranty

26296. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guaranty signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated, or misbranded within the meaning of this chapter; provided, however, that as to drug contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise. The guaranty must be dated prior to the date of sale of the article.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Same

26297. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution.

(Added by Stats. 1939, Ch. 730.)

General guaranty

26298. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled or misbranded within the meaning of this chapter.

(Added by Stats. 1939, Ch. 730.)

Special guaranty

26299. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 730.)

Seller's name, etc.

26300. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 730.)

Article covered

26301. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

(Added by Stats. 1939, Ch. 730.)

26302. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act, it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere, unless at any time the standard for the article concerned under this chapter is higher than the standard for a like article under the Federal act.

Guaranty
under Fed-
eral act

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26303. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Bureau of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

Nonresident
guarantor

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 730)

26320. The standards of purity of drugs shall be the United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, and the National Formulary.

Standards
of purity

(Added by Stats. 1939, Ch. 730.)

26321. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board is authorized to make the regulations promulgated under this chapter conform, in so far as practicable, to those promulgated under the Federal act. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

Regulations

(Added by Stats. 1939, Ch. 730.)

26322. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

Hearings

(Added by Stats. 1939, Ch. 730.)

26323. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

Notice

Effective
date of
regulations

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 730.)

Examinations

26324. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated.

(Added by Stats. 1939, Ch. 730.)

Agents of board

26325. The board may appoint such agents as it may deem necessary.

(Added by Stats. 1939, Ch. 730.)

Sheriffs

26326. The sheriffs of the respective counties of the State are hereby appointed agents for the enforcement of this chapter.

(Added by Stats. 1939, Ch. 730.)

Inspection

26327. Any agent shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, misbranded, or falsely advertised drugs and devices exist.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1955, Ch. 693.)

Samples

26328. If a sale is refused upon a tender of the market price of the articles, the agent may take from any person samples of any articles suspected of being adulterated, misbranded, or falsely advertised, and shall deliver or forward such samples to the state laboratory for examination and analysis.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1955, Ch. 693.)

Powers of agents, etc.

26329. The Chief of the Bureau of Food and Drug Inspections and the agents and inspectors of the board shall have the powers possessed by peace officers in this State.

(Added by Stats. 1939, Ch. 730.)

Inspection

26330. The board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which drugs or devices are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such drugs and devices, in commerce, for the purpose:

(1) of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) to secure samples or specimens of any drugs and devices after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 730.)

Report of violation

26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in Section 26340, the department shall report such facts to the district attorney of the county or the prosecuting officer of the city where the law is violated.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009, and by Stats. 1957, Ch. 352.)

26332. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

(Added by Stats. 1939, Ch. 730.)

26333. The board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

(Added by Stats. 1939, Ch. 730.)

26334. The board may cause to be disseminated such information regarding drugs and devices as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting, and illustrating the results of the investigations of the board.

(Added by Stats. 1939, Ch. 730.)

26335. Any person who refuses to sell to any agent of the board any sample of drug or device upon tender of the market price therefor, or who conceals any such drug or device from such officer, or who withholds from the officer information respecting the place where such drug or device is kept or stored is guilty of a misdemeanor punishable as provided in section 26295.

(Added by Stats. 1939, Ch. 730.)

26336. The director shall require the Chief of the Division of Laboratories or the Chief of the Bureau of Food and Drug Inspection to make examinations and analyses of drugs or devices which are on sale in California and which are suspected of being adulterated, misbranded, or falsely advertised.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, by Stats. 1945, Ch. 1009, and by Stats. 1955, Ch. 693.)

26337. Whenever evidence indicates or examination or analysis show that adulterated or misbranded drugs and devices have been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1945, Ch. 1009.)

26338. Whenever evidence indicates that adulterated or misbranded drugs or devices have been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the secretary of the board and shall promptly transmit a certificate of the facts so found.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Written
notice or
warning

Reports of
court action

Information

Penalty

Analyses

Report on
adulteration,
etc.

Same

Evidence 26339. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated.

(Added by Stats. 1939, Ch. 730.)

Notice of violation

26340. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)

Hearings

26341. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State laboratory.

(Added by Stats. 1939, Ch. 730.)

Report to district attorney

26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, director shall forthwith transmit a certificate of the facts so found to the district attorney of the county or the prosecuting officer of the city in which the adulterated or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, by Stats. 1945, Ch. 1009, and by Stats. 1957, Ch. 352.)

Reports: Division of Laboratories

26343. On or before August 1st of each year, the Chief of the Division of Laboratories of the State department shall make an annual report to the board upon adulterated or misbranded drugs and devices. The report shall include the list of cases examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

Reports of board

26344. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.

(Added by Stats. 1939, Ch. 730.)

Quarantine

26360. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any drug or device is adulterated, misbranded, or falsely advertised, he shall affix

to such articles a tag or other appropriate marking giving notice that such article is, or is suspected of being, adulterated, misbranded, or falsely advertised and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the Chief of the Bureau of Food and Drug Inspection or the court.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1955, Ch. 693.)

26361. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination that any drug or device found in the possession of any person is adulterated or misbranded the drug or device may be seized and quarantined. Same

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26362. The drug or device shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the director or the Chief of the Bureau of Food and Drug Inspections. The unauthorized sale, removal or disposal of any quarantined article shall constitute a violation of this chapter, punishable as provided in Section 26295. Unauthorized
disposition

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009, and by Stats. 1955, Ch. 1079.)

26363. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of such drugs and devices and their release. Reports of
seizures

(Added by Stats. 1939, Ch. 730; amended by Stats. 1945, Ch. 1009.)

26364. Drugs or devices found to be adulterated or misbranded may, by order of a court or judge, or in the absence of such an order, with the written consent of the owner thereof, be seized or destroyed. Destruction
of articles

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26365. Any superior or inferior court of this State shall have power to condemn drugs and devices under the provisions of this article. Jurisdiction
of courts

(Added by Stats. 1939, Ch. 730.)

26366. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall commence proceedings in the name of the people of the State of California against such article in the superior court of the county or city and county in which the article is detained or quarantined by petitioning said court for a judgment to forfeit, condemn and destroy such article. Upon the filing of such petition, the clerk of said court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in said article of the time and place of said hearing. A copy of Proceedings
to condemn

the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of said article and on each owner or claimant whose name and address is known. Said service may be made by personal service or by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of said article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 26368 and 26369. At the time set for the hearing the court shall commence to hear and determine said proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779, and by Stats. 1947, Ch. 656.)

Petition for
release

26366.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26366, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26368 and 26369. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the executive officer of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the executive officer, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1947, Ch. 656; amended by Stats. 1957, Ch. 205.)

26367. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of an agent of the board. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

Destruction

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26368. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

Correction of article

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26369. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid.

Bonds

(Added by Stats. 1939, Ch. 730.)

26369.5. If at any time after detention or quarantine, a duly authorized agent of the board finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.

Removal of tags

(Added by Stats. 1947, Ch. 656.)

26380. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded drug or device complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above.

Sheriff's duties

(Added by Stats. 1939, Ch. 730; amended by Stats. 1943, Ch. 779.)

26381. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the director of the State laboratory, and the third sample shall be sent to, and held under seal by, the board.

Same

(Added by Stats. 1939, Ch. 730.)

- Fees** 26382. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples.
(Added by Stats. 1939, Ch. 730.)
- Same** 26383. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff.
(Added by Stats. 1939, Ch. 730.)
- District attorney** 26384. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county.
(Added by Stats. 1939, Ch. 730.)
- Fines** 26385. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.
(Added by Stats. 1939, Ch. 730.)

CHAPTER 3. FOODS

(Chapter 3 added by Stats. 1939, Ch. 731)

Article 1. General Provisions

(Article 1 added by Stats. 1939, Ch. 731)

- "Food"** 26450. "Food" includes all articles used for food, drink, liquor, confectionery, condiment, or chewing gum by man or other animals, whether such articles are simple, mixed or compound.
(Added by Stats. 1939, Ch. 731.)
- "Orange juice drink"** 26450.5. "Orange juice drink" means the beverage made from potable water, orange juice in the form of natural strength pure orange juice, pulpy orange juice, orange juice reconstituted from concentrate, or any combination of these, sugar, lemon juice or citric acid, and natural orange peel oil. It shall be free of artificial flavor, artificial color, and artificial cloud. "Orange juice drink" shall contain sufficient orange juice or concentrated orange juice to supply from the juice in each 10 ounce serving the minimum daily adult requirement of Vitamin C as prescribed by the United States Food and Drug Administration (30 milligrams) and shall have a minimum of 30 percent orange juice or reconstituted orange juice in the finished drink. A preservative may be used in accordance with the regulations of the department. The definition and standards provided for in this section shall apply to all beverages produced or sold under the name "orange juice

drink" but shall not apply to nor affect any beverage produced or sold under any other name.

(Added by Stats. 1955, Ch. 1211.)

26451. "Package" includes any phial, bottle, jar, demi-john, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for inclosing or containing any article of food.

(Added by Stats. 1939, Ch. 731.)

26452. The term "label" means a display of written, printed or graphic matter upon the immediate container of any article.

(Added by Stats. 1939, Ch. 731.)

26453. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

Labeling
requirement

(Added by Stats. 1939, Ch. 731.)

26454. The term "immediate container" does not include package liners.

"Immediate
container"

(Added by Stats. 1939, Ch. 731.)

26455. The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

"Labeling"

(Added by Stats. 1939, Ch. 731.)

26456. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, emblem, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

Determi-
nation of
misleading
labeling, etc.

(Added by Stats. 1939, Ch. 731.)

26457. The term "advertisement" means all representations or any representation disseminated in any manner or by any means other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

"Advertise-
ment"

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26458. The term "contaminated with filth" applies to any food not securely protected from dust, dirt, and as far as

"Contami-
nated with
filth"

may be necessary by all reasonable means, from all foreign or injurious contaminations.

(Added by Stats. 1939, Ch. 731.)

Construction
of chapter

26459. The provisions of this chapter regarding the selling of food, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any food establishment.

(Added by Stats. 1939, Ch. 731.)

"Federal
act," U.S.C.,
Title 21,
Ch. 9

26460. The term "Federal act" means the Federal Food, Drug and Cosmetic Act.

(Added by Stats. 1939, Ch. 731.)

Construction
of division

26461. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code, or with the provisions of the Alcoholic Beverage Control Act and the rules and regulations adopted pursuant thereto, and in the event of a conflict, the provisions of the Alcoholic Beverage Control Act or the rules and regulations adopted pursuant thereto shall control.

(Added by Stats. 1939, Ch. 731.)

Beer

26462. Beer, being subject to the Alcoholic Beverage Control Act in other respects, shall be subject only to the provisions of this chapter which relate to adulteration and misbranding.

(Added by Stats. 1939, Ch. 731.)

Title

26463. The sections contained in Chapter 3 of Division 21 of the Health and Safety Code may be known as the California Pure Foods Act. (Short Title.)

(Added by Stats. 1943, Ch. 838.)

Wild rabbit
meat

26464. It is unlawful to sell for use as food any dead wild rabbit or canned wild rabbit, imported from outside the United States, which does not indicate on the label of the container the words "wild rabbit" in lettering of not less than one-half the size of the largest printing appearing on the label.

(Added by Stats. 1955, Ch. 733.)

"Food
additive"

26465. The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.

The term "food additive" does not include any of the following: Exceptions

(a) A pesticide chemical in or on a raw agricultural commodity.

(b) A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity.

(c) Any substance used in accordance with a sanction or approval granted prior to the enactment of this section at the 1959 Regular Session of the Legislature pursuant to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040), the Poultry Products Inspection Act (71 Stat. 441), or the provisions of the Act of March 4, 1907, Chapter 2907 (34 Stat. 1256).

(d) Any substance used in accordance with a sanction or approval granted pursuant to this chapter, Article 1 (commencing at Section 301) of Chapter 1, Division 3 of the Agricultural Code, Article 2 (commencing at Section 377.1) of Chapter 3, Division 3 of the Agricultural Code, or Chapter 2 (commencing at Section 450) of Division 4 of the Agricultural Code, or Article 1 (commencing at Section 460) of Chapter 3 of Division 4 of the Agricultural Code, or Chapter 6 (commencing at Section 560) of Division 4 of the Agricultural Code, or Chapter 7a (commencing at Section 1081) of Division 5 of the Agricultural Code.

(Added by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

26466. "Safe," as used in this chapter, has reference to "Safe" the health of man or animal as used in the Food Additives Amendment of 1958 (Public Law 85-929; 72 Stat. 1784).

The term "pesticide chemical" means any economic poison as defined in Section 1061 of the Agricultural Code. "Pesticide chemical"

The term "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing. "Raw agricultural commodity"

(Added by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

26467. It is unlawful to sell packaged dehydrated food sealed and labeled as "emergency food pack," "disaster pack," or "civil defense pack," or with language of similar import, unless the label states the contents of the package; the number of items of food contained therein, stated by quantity of each product, by weight of each, and the number of servings of each; and the nutritional value of each. Disaster packs, etc.

The Department of Public Health shall by regulations establish the minimum nutritional values of such packages and the manner of stating the nutritional values upon the labels of such packages.

(Added by Stats. 1959, Ch. 1708.)

Article 2. Adulteration

(Article 2 added by Stats. 1939, Ch. 731)

When deemed
adulterated

26470. A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 26471; or

(3) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or

(5) If it is a diseased animal or the product of a diseased animal or an animal which has died otherwise than by slaughter, or which has been fed upon the uncooked offal from a slaughterhouse; or

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it is a canned poultry product or products containing poultry meat which does not comply with any standards of freshness and purity prescribed by the board under Article 6 of this chapter, notwithstanding a compliance with the labeling requirements of Section 26494.

(8) If it is, bears, or contains any food additive which is unsafe within the meaning of the Food Additives Amendment of 1958 (Public Law 85-929; 72 Stat. 1784).

(9) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to the federal act.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1149, by Stats. 1955, Ch. 694, and by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

Fluorination
of water

26470.5. Nothing in this article shall prohibit the adding of fluorine or fluorine compounds to water intended for sale to the public as bottled water for domestic use in such manner and to such an extent as may be approved by the state department; provided, that the labeling requirements hereinafter set forth in this chapter are met.

(Added by Stats. 1951, Ch. 1627.)

Added
substances

26471. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or can not be avoided by good manufacturing

practice, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 26470.

If such substance is so required or can not be so avoided, the board shall promulgate regulations limiting the quantity therein or thereon to such extent as the board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 26470. Tolerances

While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance within the tolerance allowed, be considered to be adulterated within the meaning of clause (2) of Section 26470.

In determining the quantity of such added substance to be tolerated in or on different articles of food, the board shall take into account the extent to which the use of such substance is required or can not be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(Added by Stats. 1939, Ch. 731.)

26472. A food shall be deemed to be adulterated: Omission

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or Substitution

(3) If damage or inferiority has been concealed in any manner; or Concealment

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is. Addition

(b) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances. Confectionery

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration. Coal tar

(d) If any mineral oil has been added thereto or mixed or packed therewith. Mineral oil

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoic acid, salts Fresh meat

of benzoic acid or any other chemical preservative, or any substance which is not approved for use in fresh meat by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

Ground
meat

(f) If it be chopped or ground beef, or hamburger containing any substance other than the voluntary striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Monosodium
glutamate

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

Other
additions

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar (cane or beet), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

Alimentary
paste

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

Saccharine

(i) If it contains any saccharine or other non-nutritive sweetening agent.

Sausage

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, by Stats. 1951, Ch. 987, by Stats. 1953, Ch. 839, by Stats. 1955, Ch. 694, by Stats. 1957, Ch. 205 and Ch. 390, and by Stats. 1959, Ch. 1574.)

Special
permits

26473. Whenever the board finds after investigation that the distribution in the State of California of any class of food may, by reason of contamination with micro-organisms during manufacture, processing or packing thereof in any locality, be injurious to health, and that such injurious nature can not be adequately determined after such articles have entered

commerce, the board then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health.

(Added by Stats. 1939, Ch. 731.)

26474. After the effective date of such regulations, and Same during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor or packer holds a permit issued by the board as provided by such regulations.

(Added by Stats. 1939, Ch. 731.)

26475. The board is authorized to suspend immediately Suspension of permits upon notice any permit issued under authority of Section 26473 if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the board shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

(Added by Stats. 1939, Ch. 731.)

26476. Any officer or employee duly designated by the board Inspection shall have access to any factory or establishment, the operator of which holds a permit from the board for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit.

(Added by Stats. 1939, Ch. 731.)

Article 3. Misbranding

(Article 3 added by Stats. 1941, Ch. 731)

26490. A food shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular; False labeling, imitations, etc.
- (2) If it is offered for sale under the name of another food;
- (3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (4) If its container is so made, formed or filled as to be misleading.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26491. A food shall be deemed to be misbranded if in Contents of label package form, unless it bears a label containing (1) the name and place of business of the manufacture, packer, or distributor;

and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Under clause (2) of this section reasonable variation shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Same:
Display

26492. A food shall be deemed misbranded if any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Conformity
with stand-
ard of iden-
tity, etc.

26493. A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Sections 26540 and 26541 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients present in such food. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1957, Ch. 390.)

Quality

26494. A food shall be deemed to be misbranded if it purports to be or is represented as:

(1) A food for which a standard of quality has been prescribed by regulations as provided by Sections 26540 and 26541 and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

Fill of
container

(2) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by Sections 26540 and 26541 and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Labels on
certain foods

26495. A food shall be deemed to be misbranded if it is not subject to the provisions of Section 26493, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient.

Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

The requirements of clause (2) of this section shall not apply to any carbonated beverage identified by registered trademark or trade name in which the ingredients have been fully and correctly disclosed to the board in the manner described by clause (2) above in a sworn affidavit; provided, however, that the filing of such affidavit shall not exempt carbonated beverages identified by registered trademark or trade name from any other requirement of this chapter; and particularly the requirements of stating in the label thereon any imitation or artificial flavor or color, or chemical preservative. If no affidavit covering a carbonated beverage identified by trade mark or trade name has been filed with the board all the requirements of clause (2) of this section shall apply to such product, except the following ingredients are exempt from declaration on the label: water, carbon dioxide, caramel, sugar, and citric acid. Beer and wine, as defined in the Alcoholic Beverage Control Act, are exempt from the requirements of clause (2) of this section. Exceptions

To the extent that compliance with the requirements of clause (2) of this section is impractical or results in deception or unfair competition, exemption shall be established by regulations promulgated by the board.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, and by Stats. 1959, Ch. 664.)

26496. A food shall be deemed to be misbranded:

(1) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the board determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses; Dietary foods

(2) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the board. Flavoring, etc.

The provisions of this section and Sections 26493 and 26495 with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream. Exceptions

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Article 4. Advertising

(Article 4 added by Stats. 1939, Ch. 731)

26500. An advertisement of a food shall be deemed to be false if it is false or misleading in any material particular. False advertisement

(Added by Stats. 1939, Ch. 731.)

26501. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article Liability under chapter

to which a false advertisement relates, shall be liable under this chapter by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the board to furnish the board the name and post-office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who causes him to disseminate such advertisement.

(Added by Stats. 1939, Ch. 731.)

Alcoholic
beverages

26501.1. With respect to the advertisement of alcoholic beverages, in the event of a conflict between the provisions of this chapter and the Alcoholic Beverage Control Act, the Alcoholic Beverage Control Act shall control.

(Added by Stats. 1939, Ch. 731.)

Article 5. Prohibitions

(Article 5 added by Stats. 1939, Ch. 731)

Manufac-
ture, etc.

26510. The manufacture, production, preparation, compounding, packing, selling, offering for sale or keeping for sale, or advertising within the State of California, or the introduction into this State from any other State, Territory, or the District of Columbia or from any foreign country, of any article of food which is adulterated or misbranded is prohibited.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Importation

26511. Any person who imports or receives from any other State or Territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any article of food which is adulterated or misbranded, or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale, or advertise in the State of California any such adulterated or misbranded food, shall be guilty of a misdemeanor punishable as provided in Section 26519.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Exports

26512. No article of food shall be deemed adulterated or misbranded within the provisions of this chapter when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which the article is intended to be shipped.

If such foods are in fact sold or kept or offered for sale for domestic uses and consumption, then this section shall not exempt the article from the operation of any provisions of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26513. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food is unlawful if such act results in such article being misbranded. Alteration of labels

(Added by Stats. 1939, Ch. 731.)

26514. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification emblem authorized or required by regulations promulgated under the provisions of this chapter is prohibited. Forging of labels

(Added by Stats. 1939, Ch. 731.)

26515. The adulteration or misbranding of any food is hereby prohibited. Adulteration and misbranding

(Added by Stats. 1939, Ch. 731.)

26516. The dissemination of any false advertisement of any food is hereby prohibited. False advertisements

(Added by Stats. 1939, Ch. 731.)

26516.4. It shall be unlawful for any person to:

Unlawful advertising, etc.

(a) Make, publish, disseminate, circulate or place before the public any advertisement relating to the sale of meat where the advertisement contains any assertion, representation or statement which is untrue, deceptive, or misleading or falsely represents the kind, classification, grade, or quality of any meat so advertised;

(b) Use any term of quality without using or having for sale the quality of meat advertised or offered for sale;

(c) Designate any quality of meat as "A" or "AA" or any other term indicating grade;

(d) Use the term "USDA," "U. S.," or any other term denoting that the meat is graded by the United States Department of Agriculture, unless the official grade is also designated;

(e) Designate or use any brand name of a company unless the meat so advertised or displayed for sale is of a quality which the use or designation of the brand name of such company would reasonably indicate; or

(f) Possess or use any meat marking stamp, instrument, label, or tag depicting "USDA," "U. S.," or any other term implying an official meat grade unless the stamp, instrument, label, or tag has been approved by the United States Department of Agriculture or the California State Department of Agriculture.

(Added by Stats. 1955, Ch. 306; amended by Stats. 1957, Ch. 390.)

26516.5. It shall be unlawful to advertise or display for sale:

(a) Any meat of the ovine species that is two years old or "Lamb" over, as "yearling" or "lamb." Such meat must be clearly designated as "mutton."

(b) Any meat using the words "Prime," "Choice," or "Good" unless such meat advertised for sale actually bears "Prime," etc.

the USDA Federal meat grading stamp designating such grade;

Ham (c) Any ham unless the advertisement or display states whether the ham is skinned or regular;

(d) Any ham portion as "one-half" or "half ham" that has had a center slice removed;

Pork shoulder (e) Any pork shoulder using the word "ham"; or

Imitation meat (f) Any meat or meat product which has been branded or marked as imitation by a manufacturer or processor unless the advertisement or display clearly states that such meat or meat product is an imitation.

(Added by Stats. 1955, Ch. 306.)

Substitution 26516.6. It shall be unlawful to substitute in any sale any inferior or cheaper cut of meat without informing the purchaser that such substitution is being made.

(Added by Stats. 1955, Ch. 306.)

Refrigeration of perishable foods 26516.7. It shall be unlawful to keep or display any perishable canned meats, canned meat products, and packaged processed fresh foods which will support the growth of pathogenic micro-organisms at a temperature exceeding 50 degrees Fahrenheit. All such packaged foods shall be conspicuously labeled, "Perishable keep refrigerated."

(Added by Stats. 1955, Ch. 306; amended by Stats. 1959, Ch. 1574.)

Exceptions 26516.8. Sections 26516.4, 26516.5, 26516.6, and 26516.7 shall not apply to newspaper publishers, printers, or distributors, or the agents or employees of such newspaper publishers, printers, or distributors, or to persons enumerated in Section 48.5 of the Civil Code.

(Added by Stats. 1955, Ch. 306.)

Refilling 26517. (a) No person shall sell, offer for sale, or keep for sale distilled spirits in any package which has been refilled or partly refilled.

(b) No person shall refill or sell, or cause to be refilled for sale any distilled spirits package.

(c) No person, who, in response to an inquiry or request for any brand, type, or character of alcoholic beverage, shall sell or offer for sale a different brand, type or character, without informing the purchaser of such difference.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

Evidence 26518. The possession, sale, or offering for sale of any adulterated or misbranded article of food by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer, shall be prima facie evidence of the violation of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Preventing inspection 26518.5. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the

board to any factory, warehouse, or establishment in which food is, or is suspected of being manufactured, processed, packed or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such food.

(Added by Stats. 1951, Ch. 987; amended by Stats. 1957, Ch. 390.)

26519. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalties

If the violation is committed after a conviction of such person under this chapter has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

26520. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guarantee signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this chapter; provided, however, that as to food contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise. Penalties
prosecution
forbidden

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042, and by Stats. 1943, Ch. 838.)

26521. Such guaranty may be either general or special and must be produced prior to the time of certification of facts to the district attorney for prosecution. Guaranty

(Added by Stats. 1939, Ch. 731.)

26522. A general guaranty shall guarantee without condition or restriction all of the products or articles produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated or misbranded within the meaning of this chapter. General
guaranty

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Special
guaranty

26523. A special guaranty shall guarantee in the same manner as a general guaranty the particular articles listed in an invoice of the articles, and shall be attached to or shall fully identify such invoice.

(Added by Stats. 1939, Ch. 731.)

Seller's
name, etc.

26524. To afford protection all guaranties must contain the name and address of the party or parties making the sales of such articles to the person.

(Added by Stats. 1939, Ch. 731.)

Article
covered

26525. A guaranty shall protect a person only where the article covered by such guaranty remains identical, both as to composition and labeling, with the article as composed and labeled when received by the person from the guarantor.

(Added by Stats. 1939, Ch. 731.)

Guaranty
under Fed-
eral act

26526. If the guaranty is to the effect that such article is not adulterated or misbranded within the meaning of the Federal act it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Nonresident
guarantor

26527. In case the wholesaler, jobber, manufacturer or other party making such guaranty to the person resides without this State and it appears from the certificate of the Chief of the Division of Laboratories that such article or articles were adulterated or misbranded, within the meaning of this chapter or the Federal act, the district attorney must forthwith notify the Attorney General of the United States of such violation.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Article 6. Administration

(Article 6 added by Stats. 1939, Ch. 731)

Standards

26540. Whenever in the judgment of the board such action will promote honesty and fair dealing in the interest of consumers, the board may promulgate regulations establishing for any food or class of food a reasonable definition and standard of identity, or reasonable standard of quality or fill of container.

Beer

No standard of identity or fill of container shall be established for beer as defined in the Alcoholic Beverage Control Act. No definition and standard of identity, and no standard of quality shall be established for fresh or dried fruits, fresh or dried vegetables, or butter, except that definitions and standards of identity may be established for avocados, cantaloupes, citrus fruits, and melons. In prescribing any

Fill of
container

standard of fill of container, the board shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard

Quality

of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. Any definition and standard of identity prescribed by the board for avocados, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing. Identity

(Added by Stats. 1939, Ch. 731.)

26540.1. The board shall not prescribe requirements respecting the size or type of containers for beer as defined in the Alcoholic Beverage Control Act. Beer containers

(Added by Stats. 1939, Ch. 731.)

26540.2. The State Board of Public Health is hereby empowered under this section to promulgate regulations establishing standards of purity for wine; provided, that the board shall not prescribe requirements respecting the size or type of containers for wine. Wine standards

(Added by Stats. 1941, Ch. 1042.)

26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration or by the United States Department of Agriculture, Agricultural Research Service. Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the United States Internal Revenue Service, Alcohol and Tobacco Tax Division, or other federal agency; provided, however, that the provisions of this section shall not apply to wine. Optional ingredients

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1042 and Ch. 1147, by Stats. 1943, Ch. 838, by Stats. 1949, Ch. 1346, and by Stats. 1957, Ch. 205.)

26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from any labeling requirement of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the United States Regulations

Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the federal act or by the United States Department of Agriculture, Agricultural Research Service, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1941, Ch. 1147, by Stats. 1949, Ch. 1346, and by Stats. 1957, Ch. 205 and Ch. 390.)

Food
additives

26542.1. The board may promulgate rules and regulations prescribing the conditions under which food additives may be safely used. All rules and regulations promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required by the Federal Food, Drug and Cosmetic Act (52 Stat. 1040) and the rules and regulations currently promulgated by the United States Department of Health, Education and Welfare, Food and Drug Administration, and subtitle E, Chapter 51, United States Internal Revenue Code of 1954 and the United States Internal Revenue Service, Alcohol and Tobacco Tax Division, as amended.

When a food additive is permitted and its intended use is in conformity with regulations established by the board, it shall not be considered adulterated within the meaning of subdivisions (1), (2), or (8) of Section 26470.

(Added by Stats. 1959, Ch. 1349. In effect July 1, 1959.)

Hearings

26543. Hearings authorized or required by this chapter shall be conducted by the board or such officer, agent, or employee as the board may designate for the purpose.

(Added by Stats. 1939, Ch. 731.)

Notice

26544. Before promulgating any regulation, the board shall give appropriate notice of the proposal and of the time and place for hearing. The regulation so promulgated shall become effective on a date fixed by the board. The effective date shall not be prior to 90 days after the promulgation of the regulation. Such regulation may be amended or repealed in the same manner as is provided for its adoption.

Effective
date of
regulations

In the case of a regulation amending or repealing any regulation the board, to such an extent as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(Added by Stats. 1939, Ch. 731.)

Exami-
nations

26545. The board shall require examinations to be made of samples secured under the provisions of this chapter to determine whether or not any provision of this chapter is being violated.

(Added by Stats. 1939, Ch. 731.)

Agents of
board

26546. The board may appoint such agents as it may deem necessary.

(Added by Stats. 1939, Ch. 731.)

26547. The sheriffs of the respective counties of the State Sheriffs
are hereby appointed agents for the enforcement of this chapter.
(Added by Stats. 1939, Ch. 731.)

26548. Any agent shall have free access, at all reasonable Inspection
hours, for the purpose of examining any place where it is sus-
pected that any article of adulterated or misbranded food exists.
(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch.
838.)

26549. If a sale is refused upon a tender of the market Samples
price of the articles, the agent may take from any person sam-
ples of any articles suspected of being adulterated or mis-
branded, and shall deliver or forward such samples to the
State laboratory for examination and analysis.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch.
838.)

26550. Any person who refuses to sell to any agent of the Penalty
board any sample of food upon tender of the market price
therefor, or who conceals any food from such officer, or who
withholds from the officer information respecting the place
where such food is kept or stored is guilty of a misdemeanor
punishable as provided in Section 26519.

(Added by Stats. 1939, Ch. 731.)

26551. The Chief of the Bureau of Food and Drug Inspec- Powers of
agents, etc.
tions and the agents and inspectors of the State Board of
Public Health shall have the powers possessed by peace officers
in this State.

(Added by Stats. 1939, Ch. 731.)

26552. Whenever the board makes a written demand upon "Dump
sheets"
any distiller, rectifier or blender of liquors of any nature
whatsoever within this State to produce a certified copy of
those records kept by the distiller, rectifier or blender, which
are commonly designated or known as "dump sheets" within
the meaning of the Federal Internal Revenue Act, the records
shall be delivered to the board within a reasonable time not
exceeding 30 days. The refusal to present such certified copies Penalty
or the falsification thereof, shall constitute a misdemeanor
punishable as provided in Section 26519. Whenever there has
been a demand for and refusal to deliver the records, upon
petition any court or judge thereof having jurisdiction shall
order the delivery of the records.

(Added by Stats. 1939, Ch. 731.)

26553. The board or its duly authorized agent shall have Inspection
free access at all reasonable hours to any factory, warehouse
or establishment in which foods are manufactured, processed,
packed or held for introduction into commerce, or to enter any
vehicle being used to transport or hold such foods, in commerce.
for the purpose:

(1) Of inspecting such factory, warehouse, establishment or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) To secure samples or specimens of any food after paying or offering to pay for such sample.

(Added by Stats. 1939, Ch. 731.)

Report of
violation

26554. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of foods and after the hearing provided in Section 26564, the board shall report such facts to the district attorney of the county, or the prosecuting officer of the city, where the law is violated.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1957, Ch. 390.)

Written
notice of
warning

26555. Nothing in this chapter shall be construed as requiring the board to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the board believes that the public interest will be adequately served in the circumstances by a suitable written notice of warning.

(Added by Stats. 1939, Ch. 731.)

Reports of
court action

26556. The board may cause to be published from time to time reports summarizing all judgments, decrees and court orders which have been rendered under this chapter, including the nature of the charge and the disposition thereof.

(Added by Stats. 1939, Ch. 731.)

Information

26557. The board may cause to be disseminated such information regarding food as the board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the board from collecting, reporting and illustrating the results of the investigations of the board.

(Added by Stats. 1939, Ch. 731.)

State
laboratory

26558. There is a State laboratory for the analysis and examination of foods, drugs, devices and cosmetics. The laboratory shall be under the supervision of the board and shall be located at such place as the board may select.

(Added by Stats. 1939, Ch. 731.)

Chief,
Bureau of
Food and
Drug In-
spections

26559. The board shall appoint a Chief of the Bureau of Food and Drug Inspections who shall have such qualifications and perform such duties as may be required by the board.

The board may employ and fix the compensation of other clerical and professional assistants.

(Added by Stats. 1939, Ch. 731.)

Analyses

26560. The director shall require the Chief of the Division of Laboratories, or the Chief of the Bureau of Food and Drug Inspection to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated or misbranded.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1945, Ch. 1208, and by Stats. 1955, Ch. 1080.)

26561. Whenever evidence indicates or examination or analysis shows that adulterated or misbranded food has been on sale in this State, the Chief of the Division of Laboratories of the State department shall forthwith report to the director and shall promptly transmit a certificate of the facts so found. Report on adulteration

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

26562. Whenever evidence indicates that adulterated or misbranded food has been on sale in this State, the Chief of the Bureau of Food and Drug Inspections shall forthwith report to the director and shall promptly transmit a certificate of the facts so found. Same

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, and by Stats. 1945, Ch. 1208.)

26563. Every certificate certified to by the Chief of the Division of Laboratories or by the Chief of the Bureau of Food and Drug Inspections shall be prima facie evidence of the facts therein stated. Evidence

(Added by Stats. 1939, Ch. 731.)

26564. When the certificate certified to by the Chief of the Division of Laboratories of the State department or when the certificate certified to by the Chief of the Bureau of Food and Drug Inspections shows that any provisions of this chapter have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this chapter. A time at which the parties may be heard shall be set. Notice of violation

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

26565. The hearings shall be held at such place as the board or the person conducting the hearing may designate. The hearings shall be private and confined to the consideration of fact. Parties interested may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the State Laboratory or by the Chief of the Bureau of Food and Drug Inspections. Hearings

(Added by Stats. 1939, Ch. 731; amended by Stats. 1955, Ch. 1080.)

26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, a certificate of the facts so found shall forthwith be transmitted to the district attorney of the county, or the prosecuting officer of the city, in which the adulterated or misbranded food was found. Report to district attorney

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1945, Ch. 1208, and by Stats. 1957, Ch. 390.)

26567. On or before August 1st of each year, the Chief of the Division of Laboratories of the State Department shall make an annual report to the board upon adulterated or misbranded foods. The report shall include the list of cases Reports: Division of Laboratories

Bureau of
Food and
Drug In-
spections

examined by him in which adulterants were found, the list of articles found to be misbranded, and the names of the manufacturers, producers, jobbers, and sellers. The Chief of the Bureau of Food and Drug Inspections shall report at the same time on all activities of that bureau.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Reports of
board

26568. The board may include the reports, or any parts thereof, in the report which the board makes to the Governor.

(Added by Stats. 1939, Ch. 731.)

Quarantine

26580. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated, or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the Chief of the Bureau of Food and Drug Inspection or the court.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1955, Ch. 1080.)

Violation

26580.5. The unauthorized removal or disposal of any article of quarantined food by sale or otherwise shall constitute a violation of this chapter.

(Added by Stats. 1955, Ch. 1080.)

Same

26581. Whenever the findings of the State laboratory or of the Chief of the Bureau of Food and Drug Inspections show after investigation and examination, that any food found in the possession of any person is adulterated or misbranded, the food may be seized and quarantined.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Prohibition
against
disposition

26582. The food shall not thereafter be sold, offered for sale, removed or otherwise disposed of until further notice in writing from the board, the director, or the Chief of the Bureau of Food and Drug Inspections.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

Reports

26583. The Chief of the Bureau of Food and Drug Inspections shall report immediately to the director all actions relating to the seizure of food and its release.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1945, Ch. 1208.)

Destruction
of food

26584. Food found to be adulterated or misbranded may, by ordered of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26585. Any superior or inferior court of this State shall have power to condemn food under the provisions of this article. Jurisdiction
of courts

(Added by Stats. 1939, Ch. 731.)

26586. When an article is found to be adulterated or misbranded, and is detained or quarantined under this article, the board shall commence proceedings in the name of the people of the State of California against such article within 90 days after the article is detained or quarantined, in the superior court of the county or city and county in which the article is detained or quarantined by petitioning said court for a judgment to forfeit, condemn and destroy such article. Upon the filing of such petition, the clerk of said court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in said article of the time and place of said hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of said article and on each owner or claimant whose name and address is known. Said service may be made by personal service or by registered mail by mailing a copy of such notice and petition by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of said article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 26588 and 26589. At the time set for the hearing the court shall commence to hear and determine said proceeding, but may for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition and answer within 60 days after the date when the matter was first set for hearing. Proceedings
to condemn

If the board fails to commence proceedings against an article which is detained or quarantined within 90 days after said article is detained or quarantined, as above provided, the board shall immediately release said article from detention or quarantine and remove therefrom any warning tags affixed thereto by the board or its agents. If the board or its agent has taken possession of or assumed control of said article, the board shall immediately return said article to the possession of the person from whom it was taken.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838, by Stats. 1947, Ch. 581 and by Stats. 1949, Ch. 1346.)

26586.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26586, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained Petition
for release

or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26588 and 26589. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the executive officer of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the executive officer, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

(Added by Stats. 1947, Ch. 581; amended by Stats. 1957, Ch. 205.)

Destruction

26587. If the court finds that a detained or quarantined article is adulterated or misbranded, after entry of the decree such article shall be destroyed at the expense of the claimant thereof, under the supervision of the agent. All court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

**Correction
of article**

26588. If the adulteration or misbranding can be corrected by proper labeling or processing of the article, after entry of the decree and after costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, the court may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the board. The expense of such supervision shall be paid by the claimant.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

Bond

26589. The bond shall be returned to the claimant of the article on representation to the court by the board that the article is no longer in violation of this chapter, and that the expenses of such supervision have been paid.

(Added by Stats. 1939, Ch. 731.)

**Removal
of tags**

26589.5. If at any time after detention or quarantine, a duly authorized agent of the board finds that an article detained or quarantined is not adulterated or misbranded, such agent shall remove the tag or other marking.

(Added by Stats. 1947, Ch. 581.)

26590. Whenever the board or any of its authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or which may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the board or its authorized agent shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food. Destruction

(Added by Stats. 1939, Ch. 731.)

26600. On presentation to him of a verified complaint of the violation of any provisions of this chapter, the sheriff of any county of this State shall at once obtain by purchase a sample of the adulterated or misbranded food complained of, and divide the article into three parts. Each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. Sheriff's duties

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26601. One sample shall be delivered to the party from whom procured or to the party guaranteeing such merchandise, one sample shall be sent to the Chief of the Division of Laboratories, and the third sample shall be sent to, and held under seal by, the board. Same

(Added by Stats. 1939, Ch. 731.)

26602. For his services under this chapter the sheriff shall be allowed the same fees for travel allowed by law to sheriffs on service of criminal process, together with such compensation as the board of supervisors of the county may deem reasonable, and all amounts expended by him in procuring and transmitting samples. Fees

(Added by Stats. 1939, Ch. 731.)

26603. The fees and amount expended shall be audited and allowed by the supervisors and paid by the county as other bills of the sheriff. Payment of fees

(Added by Stats. 1939, Ch. 731.)

26604. The district attorney of each county shall prosecute all violations of the provisions of this chapter occurring within the county. District attorney

(Added by Stats. 1939, Ch. 731.)

26605. One-half of all fines collected by any court or judge for the violations of the provisions of this chapter shall be paid to the State Treasury to the credit of the General Fund. Fines

(Added by Stats. 1939, Ch. 731.)

Article 7. Local Administration

(Article 7 added by Stats. 1939, Ch. 731)

Local
inspection
and enforce-
ment divi-
sions

26615. The board may organize and establish local food inspection and enforcement divisions with headquarters at such points and with jurisdiction over such territory as the board shall by order specify.

(Added by Stats. 1939, Ch. 731.)

Definition

26616. For the purposes of this chapter, the term "local food inspection and enforcement division" shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county, designated by order of the board to act as such division within the territory specified in such order. Such territory may include one or more counties, cities, or cities and counties.

(Added by Stats. 1939, Ch. 731.)

Examinations

26617. A local food inspection and enforcement division shall make, or cause to be made, examinations and analyses of food which is suspected of being adulterated or misbranded and which is on sale within the territory where such local division has jurisdiction.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838 and by Stats. 1951, Ch. 987.)

Powers
of agents

26618. Within the territory over which a local division has jurisdiction, the health officer of any local food inspection and enforcement division and his deputies, shall have the same powers as are possessed by peace officers of this State.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

Notice of
violation

26619. When an examination or analysis made pursuant to the provisions of Section 26617 shows that any provision of this chapter has been violated, notice of the fact, together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guaranty, as provided in this chapter.

(Added by Stats. 1939, Ch. 731.)

Hearings

26620. The health officer of the local food inspection and enforcement division shall set a time for a hearing, at which the parties may be heard before him. At least 15 days' notice of such hearing shall be served upon the parties interested. The hearing shall be private and confined to questions of fact. Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1951, Ch. 987.)

District
attorney

26621. If such examination or analysis be found correct, or if the party or parties fail to appear after notice duly given, the health officer conducting the hearing shall certify the facts found to the district attorney of the county in which

the adulterated or misbranded food was found, sold, or offered or exposed for sale. No publication shall be made until after the hearing is concluded.

(Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838.)

26622. (Added by Stats. 1939, Ch. 731; amended by Stats. 1943, Ch. 838; repealed by Stats. 1951, Ch. 987.)

26623. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the same. Construction of article

(Added by Stats. 1939, Ch. 731.)

26624. The board may prescribe such rules and regulations relating to the operation of the local inspection and enforcement divisions as it may deem necessary fully to effectuate the provisions of this article. Rules

(Added by Stats. 1939, Ch. 731.)

CHAPTER 4. HORSE MEAT

(Chapter 4 added by Stats. 1943, Ch. 800)

28000. As used in this chapter:

(a) Horse meat shall mean the uncooked muscle tissue of the horse and/or mule and/or burro which is skeletal, with or without the accompanying and overlying fat, and the portion of sinews, nerves and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. Definitions:
Horse meat

(b) By-products of the horse and/or mule and/or burro shall mean the parts other than horse meat which has been derived from said animals, or any of them. By-products

(c) Except where otherwise provided herein "horse meat" shall include horse meat and the by-products of the horse and/or mule and/or burro as said terms are defined in subsections (a) and (b) of this Section 28000. "Horse meat"

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

NOTE: Stats. 1949, Ch. 738 also contained the following provision:

SEC. 17. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

28000½. It is unlawful for any person, firm, corporation or association, or any employee thereof, to sell, offer for sale or have in possession for sale as horse meat, any such meat as defined in Section 28000(a) of this chapter, mixed in any manner whatsoever with by-products as said term is defined in Section 28000(b) of this chapter. Prohibitions

(Added by Stats. 1951, Ch. 1090.)

Inspected
horse meat

28001. Inspected horse meat shall mean horse meat produced in a slaughtering establishment under federal, state or state-approved municipal inspection.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

Uninspected
horse meat

28002. Uninspected horse meat shall mean horse meat which is not produced under the inspection of a federal, state or state-approved, municipal inspection service. However, any premises or building in which horses are slaughtered or in which horse meat is stored, packed, prepared, offered for sale or sold shall meet all the food sanitation requirements of state, county, city and/or city and county health departments of the area where sold or produced.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738. See note to Section 28000.)

Prohibited
sale, storage,
etc.

28003. Horses shall not be slaughtered nor shall horse meat be stored, packed, offered for sale or sold in any establishment or part thereof, or in connection with any business in which other uncooked meat, or meat food products prepared from the flesh of cattle, calves, sheep, lambs, swine or goats is slaughtered, stored, packed, cooked, offered for sale or sold. Exception to this shall be made where the horse meat is stored in direct connection with canning plants, for use in cooking in hermetically sealed containers under state or federal inspection. The public cold storage of horse meat in licensed warehouses is permissible; provided, the horse meat is in original sealed containers, recorded as such in the warehouse records and the storage pile is readily distinguishable as consisting of horse meat; and provided further, that it shall not be stored, commingled with or maintained directly in contact with fresh or other meat used for human consumption.

(Added by Stats. 1943, Ch. 800; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1955, Ch. 695.)

Sale for
human
consumption
Notice

28004. Only inspected horse meat shall be sold or offered for sale for human consumption.

When horse meat is offered for sale for human consumption there shall be displayed prominently in connection therewith and immediately adjacent thereto a sign with letters not less than eight (8) inches in height and not less than three (3) inches in width, bearing the words "horse meat for human consumption."

(Added by Stats. 1947, Ch. 1560; repealed and added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

Restaurant,
etc., notice

28005. Every restaurant, cafe, or other public eating place offering or serving horse meat for human consumption must have stamped on all menus, in green ink letters not less than one-half inch in height and one-quarter inch in width the words "Horse meat served here"; likewise a placard must be prominently displayed bearing the words "Horse meat served here" in letters not less than four inches in height and one-half inch in width.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28006. Uninspected horse meat shall not be packed, stored or kept with or in close proximity with any food product which is or shall be offered for human consumption irrespective of its type or nature.

Keeping of
uninspected
horse meat

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28007. Uninspected horse meat shall be kept and stored in a separate unit provided for that purpose. A sign which reads "horse meat not inspected, for animal consumption only" with letters two inches high and approximately one inch wide shall be conspicuously displayed so that it can readily be seen by those in the room where such horse meat is sold.

Same:
Labeling

(a) All uninspected horse meat shall bear a tag or label with the words "horse meat not inspected, for animal consumption only," printed thereon in red letters not less than one-half inch in height. All inspected horse meat shall bear a tag or label with the words "inspected horse meat," "U. S. Government inspected horse meat," "State inspected horse meat," or "municipally inspected horse meat," depending upon the type of inspection made of the product with letters printed thereon not less than one-half inch in height; provided, that the letters may be less than one-half inch in height where the horse meat is processed, packaged, and sealed at the point of inspection and bears the label required by the inspection agency.

(b) All uninspected horse meat when kept for sale, offered for sale, or sold shall be denatured or decharacterized so as to be readily distinguishable from an article of human food by the addition thereto of not less than one-twentieth of 1 percent of charcoal or in any other manner satisfactory to the State Department of Public Health.

Denaturing

(c) All canned dog and/or pet food manufactured from horse meat and/or horse meat by-products, and/or meat, and/or meat food products, and packed in hermetically sealed containers may be labeled "Stew" in letters of no more than one-half inch in height. Phrases or statements inferring or implying that the product could be used for human consumption are prohibited. Each container in which dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products is packed shall have affixed thereto a label bearing the following information in addition to all other information required by law to appear thereon:

Pet food:
Labels

(1) The name of the food such as "dog food," "cat food," "dog and cat food," "fox food," "pet food," or "animal food" on the main panel in letters which are clearly legible.

(2) The word "ingredients" followed by a complete list of the ingredients of the food in the order of their predominance and by their common or usual names in letters not more than one-quarter inch in height, and clearly legible.

Containers

(d) Each container in which the ingredients of animal origin such as horse meat, horse meat by-products, meat, meat by-products, and/or whale, or any combination thereof are 50 percent or more shall have on the label the following information in addition to all other information required by law to appear thereon:

The name of the food, such as "dog food," "cat food," "dog and cat food," "fox food," "pet food," or "animal food," on the main panel in letters not less than one-half inch in height for a number 300 can (300 x 407).

There shall appear on the main panel of the label the name of no more than three ingredients of animal origin in the order of their predominance and in letter size in proportion to the amount of such ingredients contained in the food. The maximum letter size permissible for such ingredients shall be one-half inch in height and the minimum letter size permissible for ingredients of animal origin shall be one-quarter inch in height. The background color of the label and the letter style shall not be changed in listing ingredients of animal origin. The word "and" or "with" shall appear on the main panel of the label directly beneath the name of the ingredients of animal origin and the remaining ingredients shall appear directly beneath the word "and" or "with" in the order of their predominance and in clearly legible letter size. The term "water for processing" may appear as the last ingredient. If the remaining 50 percent or less of the ingredients consist of a free flowing liquid the term "liquid," "juice," "sauce," "gravy," or any other term which correctly identifies such liquid shall appear in one-fourth inch letters on the main panel of the label. However, the list of ingredients other than those of animal origin, when such term is used, need not appear on the main panel of the label but must appear elsewhere on the label.

Letter size

(e) For products packed in accordance with subdivision (d) and in containers other than a number 300 can (300 x 407) the letter size referred to shall be the same relative proportion as heretofore required to the height of the container used.

Approval

(f) Labeling for all products referred to in this section shall be approved by the State Department of Public Health prior to use.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090, by Stats. 1955, Ch. 695, and by Stats. 1957, Ch. 2155.)

Signs

28008. Where signs are displayed on the outside of the premises of any wholesale or retail establishment offering for sale uninspected horse meat, wherever the words "horse meat," "pet food" and/or "pet meat" or any other words intended to describe or signify horse meat or pet food containing meat products, appear, there shall also be added a sign in

equal size "horse meat not inspected." On any vehicle delivering uninspected horse meat, whether retail or wholesale, the words "not inspected" shall be included on any sign containing the words "horse meat," "pet meat," "pet food" or any other words intended to describe or signify horse meat, and shall appear in equal prominence with such words.

The policy of the Legislature is that all uninspected horse meat taken into the homes of the State, intended for the family pet, but often cooked in kitchen utensils and invariably stored in the home refrigerator, shall bear protective labeling to distinguish it from beef processed under rigid regulations.

Policy of
Legislature

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28009. Inspected horse meat and uninspected horse meat shall not be stored, kept, packed or sold at or on the same premises.

Prohibited
use

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28010. All uninspected horse meat not produced in the State of California shall be decharacterized before entering the State in the manner outlined in Section 28007 (b) or in keeping with federal laws. All inspected horse meat not produced in the State of California shall be delivered to the warehouse, or distributor in the original shipping containers.

Foreign
horse
meat

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

28011. Nothing contained in this statute shall prevent any county, city and/or city and county health departments from regulating or prohibiting by ordinance the sale of horse meat in their respective communities.

Local
regulation

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28012. Inspectors and duly authorized agents of the State, county, city and/or city and county health departments shall have free access at all reasonable times to premises where horses are slaughtered, and/or horse meat is processed, prepared, packed, kept, offered for sale or sold, for purposes of inspection.

Inspection

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

28013. Every person, firm or corporation before engaging in the slaughtering of horses, mules, and/or the wholesale distribution, jobbing and/or the importing into the State of horse meat for resale shall procure a license from the State Department of Public Health. Such license shall be good for the calendar year for which it is issued, unless sooner revoked or suspended, and is nontransferable. Each application for such license shall be accompanied by a fee of fifty dollars (\$50). Should any licensee fail, refuse, or neglect to apply for renewal of a license within 30 days after the expiration thereof, a penalty of ten dollars (\$10) shall accrue and be added to the renewal fee and shall be paid by the applicant before the renewal license may be issued. All fees collected under the provisions of this section shall be paid into the General Fund in the State Treasury.

License:

Fee

Penalty for
failure to
renew

The department may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case

Revocation,
etc.

may require, after a hearing as herein provided, if it finds that the applicant or licensee has violated any of the provisions of this chapter, or of any of the rules and regulations issued hereunder, or of any of the laws or regulations of the United States pertaining to horse meat, or has failed or refused to comply with any lawful order of the department issued under the provisions of this chapter.

Proceedings The proceedings for hearings under the provisions of this section shall be in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The State Board of Public Health is hereby empowered to promulgate rules and regulations for the proper enforcement of this chapter.

Records Any person, firm or corporation holding a license issued under the provision of this chapter shall keep complete and full records of all horses and/or horse meat received, covering the live and/or dressed weight of same, from whom received and the date of receipt. Also in the case of those slaughtering horses and/or wholesalers of horse meat, a full and complete record of the sales made shall be kept showing the name and address, of each and every customer and the amount and the date sold to each. Retailers shall keep a full and complete record of all horse meat received including the amount, date and name of the person, firm or corporation from whom received. When requested by the State Department of Public Health or an agent thereof, any dealer shall submit a report setting forth in itemized particulars information relating to the receipts and sales of horses and/or horse meat covering a period of time not to exceed the preceding four months.

**Dealer's
report**

(Added by Stats. 1949, Ch. 738; amended by Stats. 1957, Ch. 353.)

Penalties 28014. Any person who, as principal or agent, employer or employee, adulterates any other meat or meat food product with horse meat, or represents horse meat to be any other meat or meat food product, shall be guilty of a felony punishable by a fine of not less than ten thousand dollars (\$10,000) or by imprisonment in the state prison for not less than one year, or by both.

(Added by Stats. 1949, Ch. 738; amended by Stats. 1951, Ch. 1090.)

Same 28015. Any person, whether as principal or agent, employer or employee, who violates any of the provisions in this chapter except as provided in Section 28014 is guilty of a misdemeanor punishable upon conviction by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

(Added by Stats. 1949, Ch. 738. See note to Section 28000.)

CHAPTER 5. COLD STORAGE

(Chapter 5 added by Stats. 1947, Ch. 763)

Article 1. Definitions and General Provisions

28110. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. Definitions

(Added by Stats. 1947, Ch. 763.)

28111. "Cold storage" means a place artificially refrigerated to a temperature above zero of 45 degrees Fahrenheit or below. It does not include any such place where food which is privately owned and not held for resale is stored inside of lockers or compartments which are not more than 25 cubic feet in capacity, and which lockers or compartments are leased to private individuals for their exclusive use. "Cold storage"

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744 and by Stats. 1953, Ch. 293.)

28112. "Cold stored" means the keeping of articles of food in cold storage for a period exceeding ten days. "Cold stored"

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

28113. "Article of food" means any article of food used for human consumption. It includes fresh meat and fresh meat products (except in process of manufacture), fresh and dried fruit or vegetables, fish, shellfish, game, poultry, eggs, butter, and cheese, but not malt beverages. "Article of food"

(Added by Stats. 1947, Ch. 763.)

28114. "Storer" means a person who offers articles of food for cold storage. "Storer"

(Added by Stats. 1947, Ch. 763.)

28115. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1953, Ch. 293.)

28116. This chapter does not apply to any cold storage or refrigerating plant or warehouse which is maintained or operated by a restaurant, hotel, exclusively wholesale or retail establishment, cannery, winery, brewery, or other food processing place which is used for the storage of food and which place is owned by or is for the exclusive use of the occupant owner or maintainer thereof, and said food is not stored for other persons. Exceptions

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28117. The term "locker plant" as used in this chapter shall mean any building or portion thereof which is artificially cooled to or below a temperature above zero of 45 degrees Fahrenheit and used exclusively for the storage of any article of food for the sole use of the storer, and which article or articles of food are not for resale. "Locker plant"

If any article or articles of food stored in locker plants are for resale and/or to be used for manufacturing purposes, said License provisions applicable

locker plant is subject to the license provisions of this chapter and all sections thereof.

(Added by Stats. 1949, Ch. 744.)

Article 2. Licenses

- Application** 28120. Any person desiring to operate a cold storage or refrigerating warehouse for storing articles of food shall make application in writing to the board for a license for that purpose, stating the location of his plant or plants. For the purpose of securing the proper enforcement of this chapter, those buildings or structures which are served by a central refrigerating plant shall be considered as one cold storage or refrigerating warehouse or plant, and subject to one license.
(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)
- Separate plants**
- Examination** 28121. On receipt of the application the board shall examine into the sanitary condition of the plant.
(Added by Stats. 1947, Ch. 763.)
- Issuance** 28122. If it finds the plant to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the board, upon the payment of the license fee specified in this chapter, shall issue a license authorizing the applicant to operate a cold storage or refrigerating warehouse for a period of not more than one year.
(Added by Stats. 1947, Ch. 763; amended by Stats. 1957, Ch. 691. In effect January 1, 1958.)
- Separate licenses** 28123. No person, firm, or corporation shall engage in the operation of a cold storage or refrigerating warehouse for storing articles of food without having obtained from the board a license for each such place of business. This license is nontransferable.
(Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744; added by Stats. 1957, Ch. 691. In effect January 1, 1958.)
28124. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)
28125. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)
- Fee** 28126. Each application for a license under this chapter shall be accompanied by a fee of fifty dollars (\$50). Each license issued under this chapter shall expire on December 31st of each calendar year. License fees of fifty dollars (\$50) are due on the first of January of each year. The fee for licenses initially issued after January 1st of each year shall not be prorated.
(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, by Stats. 1957, Ch. 691, and by Stats. 1959, Ch. 430.)
- Disposition of fees** 28127. The secretary of the board shall keep a full and correct account of all fees received under this chapter. At least once each month he shall deposit all such fees with the State Treasurer for credit to the State General Fund.
(Added by Stats. 1947, Ch. 763.)

Article 3. Licensee Regulations

28130. If any place or portion of a place for which a license is issued is deemed by the board to be in an unsanitary condition, the board shall give written notification to the licensee of the condition, stating in particular the matters found to be unsanitary. Notice of unsanitary condition

(Added by Stats. 1947, Ch. 763; amended by Stats. 1953, Ch. 293.)

28131. Upon failure of the licensee to correct the situation within a designated time the board shall prohibit the licensee from using the place or specified portion until such time as it is restored to a sanitary condition. Correction of condition

(Added by Stats. 1947, Ch. 763.)

28132. Every licensee shall keep an accurate record of receipts and withdrawals of articles of food, and the board shall have free access to these records at any time. Records

(Added by Stats. 1947, Ch. 763.)

28133. When requested by the board or an agent thereof, any licensee shall within a reasonable time submit a report setting forth in itemized particulars the quantity of food products held by him in cold storage. Reports

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28134. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

Article 4. General Regulations

28140. No storer shall place in cold storage any article of food whose keeping qualities have been impaired by disease, taint, or deterioration, or which has not been slaughtered, handled, and prepared for storage in accordance with food laws pertaining thereto and such rules and regulations as may be prescribed by the board for the sanitary preparation of food products for cold storage. Articles improper for storage

(Added by Stats. 1947, Ch. 763; amended by Stats. 1953, Ch. 293.)

28141. Any article of food intended for use other than human consumption shall, before being cold stored, be marked by the owner in accordance with forms prescribed by the board in such a way as to indicate plainly that the article is not to be sold for human food. Articles not for human consumption

(Added by Stats. 1947, Ch. 763.)

28142. Each separate lot of food, when deposited in cold storage, shall be marked plainly with the lot number covering that particular lot of articles of food indicated and recorded on the records maintained on the premises. Marking

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744, and by Stats. 1953, Ch. 293.)

28143. The board shall inspect and supervise all cold storage or refrigerating warehouses, and make such inspection of Inspection

the entry of articles of food therein as it deems necessary to secure the proper enforcement of this chapter.

(Added by Stats. 1947, Ch. 763.)

Access 28144. The members of the board and its duly authorized employees shall be permitted access to cold storage or refrigerating warehouses at all reasonable times for purposes of inspection and enforcing the provisions of this chapter.

(Added by Stats. 1947, Ch. 763.)

Inspector 28145. The board may also appoint at such salary as it may designate, any person it deems qualified to make any inspection required by this chapter.

(Added by Stats. 1947, Ch. 763.)

Period of storage 28146. No person shall keep any article of food in cold storage for more than twelve calendar months, except with the consent of the board. Thirty days prior to the expiration of the 12-month period, the licensee shall send notice to the board advising them of this fact. Duplicate notice shall be sent to the owner of the food.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

Extensions 28147. The board shall, upon application, grant permission to extend the period of storage beyond 12 months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of 12 months. The length of time for which further storage is allowed shall be specified in the order granting the permission.

(Added by Stats. 1947, Ch. 763.)

28148. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1953, Ch. 293.)

Inspection of data re licensees 28149. For the purpose of determining whether or not food locker plants come under the provision of this act, the operators or owners of all such frozen food locker plants shall make available, upon request to any agent of the State Department of Public Health, the names and addresses of any and all persons, firms, or corporations renting, leasing or occupying such lockers or compartments.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1949, Ch. 744.)

False representation 28150. Unless otherwise permitted by this article, it is unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage. This section shall not apply to vegetables, fruit or other foods sold as "fresh frozen" and so labeled, when stored at or below zero degrees Fahrenheit, or to eggs held in cold storage for 30 days or less.

(Added by Stats. 1947, Ch. 763; amended by Stats. 1953, Ch. 293, and by Stats. 1957, Ch. 476.)

28151. (Added by Stats. 1947, Ch. 763; repealed by Stats. 1949, Ch. 744.)

Return to cold storage 28152. It is unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers. However, nothing in this

section prevents the transfer of goods from one cold storage or refrigerating warehouse to another, if the transfer is not made for the purpose of evading any provision of this chapter.

(Added by Stats. 1947, Ch. 763.)

28153. The board may make rules and regulations to Rules and regulations secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs.

(Added by Stats. 1947, Ch. 763.)

Article 5. Violations

28160. Any person violating any of the provisions of this Penalties chapter, or any rule or regulation issued pursuant to this chapter, shall upon conviction be punished for the first offense by a fine not exceeding five hundred dollars (\$500) or by imprisonment for not more than 90 days, or by both. The punishment for a second offense is the same, except that the maximum fine is one thousand dollars (\$1,000).

(Added by Stats. 1947, Ch. 763.)

CHAPTER 5.5. FROZEN FOOD

(Chapter 5.5 added by Stats. 1949, Ch. 1197)

Article 1. Definitions

(Article 1 added by Stats. 1949, Ch. 1197)

28165. "Low acid frozen food" means a food which, by "Low acid frozen food" virtue of its low acid content, does not preclude the growth of *Clostridium botulinum*.

(Added by Stats. 1949, Ch. 1197.)

Article 2. The Packing of Low-Acid Frozen Food in Hermetically Sealed Containers

(Article 2 added by Stats. 1949, Ch. 1197; heading amended by Stats. 1951, Ch. 206)

28170. Low acid frozen food shall be packaged in a Container container of distinctive appearance so as to indicate to the purchaser that the package is not ordinary canned goods of a non-perishable nature.

(Added by Stats. 1949, Ch. 1197.)

28172. The container shall bear a suitable legend to warn Label consumers that the product must be kept frozen until ready for use and that the contents should not be heated before opening.

(Added by Stats. 1949, Ch. 1197.)

28173. Low acid foods which are to be frozen and pack- Cooking aged in hermetically sealed metal containers, shall not be cooked in the container before freezing.

(Added by Stats. 1949, Ch. 1197.)

Article 3. General Regulations

(Article 3 added by Stats. 1951, Ch. 206)

Enforcement 28180. The State Department of Public Health shall enforce this chapter.

(Added by Stats. 1951, Ch. 206.)

Rules and regulations 28182. The board may make rules and regulations to secure the proper enforcement of this chapter, including rules and regulations with respect to the sanitary preparation of articles of food for freezing, the use of containers, marks, tags, or labels, and the display of signs.

(Added by Stats. 1951, Ch. 206.)

Article 4. Violations

(Article 4 added by Stats. 1951, Ch. 206)

Penalties 28186. Any person, firm, corporation, or agent violating any of the provisions of this chapter, or any rule or regulation issued pursuant to this chapter, shall upon conviction be punished for the first offense by a fine not less than twenty-five dollars (\$25), or more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both. The punishment for a second offense is the same, except that the maximum fine is one thousand dollars (\$1,000).

(Added by Stats. 1951, Ch. 206.)

CHAPTER 6. BAKERIES

(Chapter 6 added by Stats. 1947, Ch. 766)

Article 1. General Provisions

Local ordinances, etc. 28190. Except as provided in this chapter, no city shall enact or make any ordinance, law, resolution, rule, or order affecting the matters covered by this chapter.

(Added by Stats. 1947, Ch. 766.)

Article 2. Rooms

Buildings 28195. Every building, or portion of any building, occupied or used as a bakery, wherein is carried on the business of the production, preparation, storage, or display of bread, cakes, pies, or other baking products intended for sale for human consumption, shall be clean, properly lighted, drained, and ventilated.

(Added by Stats. 1947, Ch. 766.)

Plumbing, etc. 28196. The building shall be provided with adequate plumbing and drainage facilities, including suitable wash sinks, toilets, and water closets.

(Added by Stats. 1947, Ch. 766.)

Toilets 28197. All toilets and water closets shall be separate and apart from the rooms in which the bakery products are produced or handled.

(Added by Stats. 1947, Ch. 766.)

28198. All wash sinks, toilets, and water closets shall be kept in a clean and sanitary condition and shall be in well lighted and ventilated rooms. Wash sinks, etc.

(Added by Stats. 1947, Ch. 766.)

28199. The floors, walls, and ceilings of the rooms in which the dough is mixed and handled or the pastry is prepared for baking or stored, shall be kept and maintained in a clean, wholesome, and sanitary condition. All openings into such rooms, including windows and doors, shall be properly screened or otherwise protected to exclude flies. Floors, walls, etc.

(Added by Stats. 1947, Ch. 766.)

28200. No working rooms shall be used for purposes other than those directly connected with the preparing, baking, storage, and handling of food, nor shall they be used as washing, sleeping, or living rooms. Working rooms

(Added by Stats. 1947, Ch. 766.)

28201. Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from the work rooms, and such rooms shall be kept clean at all times. Wearing apparel

(Added by Stats. 1947, Ch. 766.)

28202. The state department shall make all rules necessary for carrying into effect the provisions of this article. Rules

(Added by Stats. 1947, Ch. 766.)

Article 3. Baking Materials

28210. All materials used in the production or preparation of bakery products shall be stored, handled, and kept in a way to protect them from spoiling and contamination. Handling, etc.

(Added by Stats. 1947, Ch. 766.)

28211. No material shall be used which is spoiled or contaminated, or which may render the bread or other bakery product unwholesome or unfit for food. Quality

(Added by Stats. 1947, Ch. 766.)

28212. The ingredients used in the production of bread and other bakery products and the sale or offering for sale of bread and bakery products shall comply with the provisions of this division relating to adulteration and misbranding. Adulteration, etc.

(Added by Stats. 1947, Ch. 766.)

28213. No ingredient shall be used which may render the bread or other bakery product injurious to health. Injurious ingredients

(Added by Stats. 1947, Ch. 766.)

28214. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299.)

28215. All water for mixing dough or used in the mixing of any bakery product shall be pure and wholesome. Water for mixing

(Added by Stats. 1947, Ch. 766.)

28216. In case the water is taken from a well, the baker shall have a certification of the purity of the water issued by either the state department or a city or county health department. Water from well

(Added by Stats. 1947, Ch. 766.)

- Same 28217. No baker shall use water from a well the water of which is not certified to be pure and wholesome.
(Added by Stats. 1947, Ch. 766.)

Article 4. Employees

- Tables, benches, etc. 28220. No employee or other person shall sit or lie upon any table, bench, trough, shelf, or other equipment which is intended for use in connection with any dough or bakery product.

(Added by Stats. 1947, Ch. 766.)

- Animals or fowls 28221. No animal or fowl shall be kept or allowed in any bakery or other place where bread or any other bakery product is produced or stored.

(Added by Stats. 1947, Ch. 766.)

- Washing hands, etc. 28222. Before beginning the work of preparing, mixing, or handling the ingredients used in baking, every person engaged in the work shall wash his hands and arms thoroughly and rinse them in clean water. For this purpose sufficient wash basins, soap, and clean towels shall be provided.

(Added by Stats. 1947, Ch. 766.)

- Same 28223. Every person engaged in the work of preparing or handling bakery products shall wash his hands and arms after using a toilet room or water closet.

(Added by Stats. 1947, Ch. 766.)

- Diseased persons 28224. No employee or other person who is infected with any contagious, infectious, or communicable disease, which can be transmitted by the food involved, shall work or be permitted to work in any bakery or handle any of the products therein or delivered therefrom.

Any person knowingly infected with any such contagious, infectious, or communicable disease who engages in the work mentioned, or any employer who knowingly employs such a person, is guilty of violating this section.

(Added by Stats. 1947, Ch. 766; amended by Stats. 1957, Ch. 205.)

- Sanitary handling of products 28225. The handling or sale of bread or other bakery products and all practices connected therewith shall be conducted at all times so as to prevent the spreading of contamination, infection, or disease among consumers, including the bread infection commonly known as "rope."

(Added by Stats. 1947, Ch. 766.)

- Rules 28226. The state department shall make all rules necessary for carrying into effect the provisions of this article.

(Added by Stats. 1947, Ch. 766.)

Article 5. Bread Labeling

- Wrapped bread: Label 28230. Every loaf of bread made or procured for the purpose of sale which is sold or offered for sale, except when sold directly by a manufacturer to the consumer, shall have a protective wrapping which shall bear a label which complies with the labeling requirements as stated in Article 3, Chapter 3,

Division 21 of the Health and Safety Code. French style loaves and/or rolls shall be considered properly wrapped if an open end bag of sufficient size is used. French style

(Added by Stats. 1947, Ch. 766; amended by Stats. 1949, Ch. 1299.)

28231. The provisions of Section 28230 do not apply to hearth-baked loaves of bread or rolls which are kept in show-cases and are protected from flies, dust, and dirt and are not accessible to the public. Hearth baked bread

(Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299; added by Stats. 1951, Ch. 317.)

28232. (Added by Stats. 1947, Ch. 766; repealed by Stats. 1949, Ch. 1299.)

Article 6. Receptacles

28235. The wagons, boxes, baskets, and other receptacles in which bread, cake, pies, or other bakery products are transported shall be kept in a clean and wholesome condition at all times, and kept free from dust, flies, and other contamination. Transportation

(Added by Stats. 1947, Ch. 766.)

28236. All show cases, shelves, or other places where bakery products are sold shall be kept well covered, properly ventilated, well protected from dust and flies, and in a sweet, clean, and wholesome condition at all times. Show cases, etc.

(Added by Stats. 1947, Ch. 766.)

28237. Boxes or other receptacles used by a retail store or selling place for the storing or receiving of bread and other bakery products before and after the store or selling place is open, shall be so constructed and placed as to be free from the contamination of streets, alleys, and sidewalks. They shall be kept clean and sanitary. No bread shall be placed in them along with any article of food other than a bakery product. Receptacles for storing, etc.

(Added by Stats. 1947, Ch. 766.)

28238. When displayed for sale by a retail store, bread in a protective wrapping, one end of which is open, shall be placed on shelves at least two feet above the floor with the open-end of the protective wrapping to the inside of the shelf. Bread in open-end wrapping

(Added by Stats. 1959, Ch. 1637.)

Article 7. Unsold Bakery Products

28240. No bakery product, other than hearth-baked bread or rolls, shall be returned by any consumer or other purchaser to the dealer or baker, nor by any dealer to the baker. Not to be returned

(Added by Stats. 1947, Ch. 766.)

28241. No baker or dealer shall directly or indirectly accept any return or make any exchange of bakery products, other than hearth-baked bread or rolls, from any dealer, restaurant or hotelkeeper, consumer, or any other person. Same

(Added by Stats. 1947, Ch. 766.)

Delay 28242. All bread and all other bakery products shall be kept moving to the consumer in as direct a line as may be practicable, without unreasonable delay, and without any exchange, return, or other practice whatsoever which may result in contamination, disease, or fraud among consumers or infection among bakeshops.

(Added by Stats. 1947, Ch. 766.)

Rules 28243. The state department shall make such reasonable rules as may be necessary for carrying into effect the foregoing provisions of this article.

(Added by Stats. 1947, Ch. 766.)

Exemptions 28244. This article does not apply to bakery products so packed or sealed in a wrapper or container at the place of production as fully to protect the freshness and wholesomeness of the product and to protect it from contamination, adulteration, deterioration, and fraud in the channels of trade, and which remains in the original unbroken package in which it has been packed.

(Added by Stats. 1947, Ch. 766.)

Sale of accumulated stock 28245. The state department may by rule establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bread or other bakery products. No such exemption or sale shall be in violation of the expressed purposes of this article.

(Added by Stats. 1947, Ch. 766.)

Article 8. Violations

Notice of violation 28250. If it is found after inspection that any bakery is being operated in violation of the provisions of this chapter, the state department shall notify the proprietor in writing, stating the particulars in which the bakery is not being properly conducted, and fixing a reasonable time in which the condition shall be remedied.

(Added by Stats. 1947, Ch. 766.)

Order closing 28251. If the requirements of the notice are not complied with, the department shall order the bakery closed and may take all necessary steps to enforce such order.

(Added by Stats. 1947, Ch. 766.)

Appeal 28252. If any person feels aggrieved by any order of the state department, he may appeal to the superior court of the county in which the bakery is located within a period of 30 days from the date of the order.

(Added by Stats. 1947, Ch. 766.)

Bond 28253. On the taking of the appeal the owner or operator of the bakery shall furnish a bond meeting with the approval of the department.

(Added by Stats. 1947, Ch. 766.)

Penalty 28254. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

(Added by Stats. 1947, Ch. 766.)

CHAPTER 7. FOOD SANITATION

(Chapter 7 added by Stats. 1947, Ch. 762; heading amended by Stats. 1951, Ch. 988)

Article 1. Food Processing Establishments

28280. "Food," as used in this chapter, includes all articles used for food, drink, confectionery, or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347.)

28280.1. "Food processing establishment," as used in this chapter, shall mean any room, building or place or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering or otherwise preparing or handling food except restaurants.

(Added by Stats. 1951, Ch. 988.)

28281. Every food processing establishment shall be properly lighted, drained, plumbed, and ventilated; and shall be conducted with strict regard to the influence of lighting, drainage, plumbing, and ventilation upon the health of persons therein employed, and upon the purity and wholesomeness of the food therein produced, prepared for sale, manufactured, packed, stored, kept, handled, sold, or distributed.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

28282. The floors, side walls, ceiling, furniture, receptacles, utensils, implements, and machinery of every food processing establishment shall at no time be kept in an unclean, unhealthful, or unsanitary condition.

Any of the following is deemed to be "an unclean, unhealthful, or unsanitary condition":

(a) If food in the process of manufacture, preparation, packing, storing, sale, or distribution is not securely protected from flies, dust, or dirt, and from all other foreign or injurious contamination.

(b) If refuse, dirt, and waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, and distributing of food, are not removed daily.

(c) If all trucks, trays, boxes, baskets, buckets, other receptacles, chutes, platforms, racks, tables, shelves, knives, saws, cleavers, and all other utensils, receptacles, and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes employed in the preparation of food are not thoroughly cleaned daily.

"Food"

"Food processing establishment"

Sanitation of building, etc.

Same: Floors, walls, etc.

"Unclean, unhealthful, or unsanitary condition"

(d) If the clothing of employees is unclean or if they dress, undress, or leave or store their clothing in the place where the food is produced, prepared, manufactured, packed, sold or distributed.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

Animals
or fowls

28282.5. No live animal or fowl shall be kept or allowed in any establishment where food is prepared, manufactured, kept, stored, offered for sale or sold unless such establishment is exclusively devoted to the slaughter, processing and/or sale of such animal or fowl.

(Added by Stats. 1951, Ch. 988.)

Kitchen
walls and
ceilings

28283. The side walls and ceilings of every bakery, confectionery, hotel, or restaurant kitchen shall be well plastered or ceiled with metal or lumber, or shall be oil painted or kept well lime washed, or otherwise kept in a good sanitary condition.

(Added by Stats. 1947, Ch. 762.)

Interior
woodwork

28284. All interior woodwork of every bakery, confectionery, hotel, or restaurant kitchen shall be kept well oiled or painted with oil paint, and shall be kept washed clean with soap and water, or otherwise kept in a good sanitary condition.

(Added by Stats. 1947, Ch. 762.)

Floors

28285. Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor, made of cement, or of tile laid in cement, brick, wood, or other suitable, nonabsorbent material which can be flushed and washed clean with water.

(Added by Stats. 1947, Ch. 762.)

Doors,
windows, etc.

28286. Where practicable, the doors, windows, and other openings of every food producing or distributing establishment shall be fitted with stationary or self-closing screen doors and wire window screens, of not coarser than 14 mesh wire gauze.

(Added by Stats. 1947, Ch. 762.)

Toilets

28287. Every building, room, basement, or cellar occupied or used for the production, preparation, manufacture, packing, canning, sale, or distribution of food shall have convenient toilet or toilet-rooms, separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, canning, selling, or distributing is conducted.

(Added by Stats. 1947, Ch. 762.)

Same

28288. The floors of toilet-rooms shall be made of cement, or of tile laid in cement, wood, brick, or other nonabsorbent material, and shall be washed and scoured daily.

(Added by Stats. 1947, Ch. 762.)

Same

28289. The toilets shall be furnished with separate ventilating pipes or flues discharging either into soil pipes or on the outside of the building in which they are situated.

(Added by Stats. 1947, Ch. 762.)

28290. Lavatories and washrooms shall be adjacent to toilet-rooms and shall be supplied with soap, running water, and towels, and shall be maintained in a clean and sanitary condition.

Lavatories,
etc.

(Added by Stats. 1947, Ch. 762.)

28291. Employees and others who handle the material from which food is prepared or the finished product shall before beginning work and immediately after visiting a toilet or lavatory, wash their hands and arms thoroughly in clean water.

Employees:
Washing

(Added by Stats. 1947, Ch. 762.)

28292. No employee or other person shall sit or lie upon any table, bench, trough, shelf, or other equipment which is intended for use in connection with any food manufacturing process.

Sitting on
tables, etc.

(Added by Stats. 1947, Ch. 762; repealed by Stats. 1949, Ch. 1347; added by Stats. 1951, Ch. 988.)

28293. No employee or other person shall expectorate or discharge any substance from his nose or mouth on the floor or interior side wall of any building, room basement, or cellar where the production, preparation, manufacture, packing, storing, or sale of any food is conducted.

Expecto-
rating

(Added by Stats. 1947, Ch. 762.)

28294. No person shall, nor shall any person be allowed to, reside or sleep in any room of a bake-shop, public dining-room, hotel or restaurant kitchen, confectionery, or other place where food is prepared, produced, manufactured, served, or sold.

Sleeping
in room

(Added by Stats. 1947, Ch. 762.)

28295. No employer shall require or permit any person to work, in a food processing establishment or vehicle used for the production, preparation, manufacture, sale, or transportation of food if the person is infected with any contagious, infectious, or communicable disease which can be transmitted by the food involved.

Diseased
persons

(Added by Stats. 1947, Ch. 762; amended by Stats. 1957, Ch. 205.)

28296. The board, its inspectors and agents, and all local health officers and inspectors may at all times enter any building, room, basement, cellar, or other place occupied or used, or suspected of being occupied or used, for the production, preparation, manufacture, storage, sale, or distribution of food, and inspect the premises and all utensils, implements, receptacles, fixtures, furniture, and machinery used.

Inspection

(Added by Stats. 1947, Ch. 762.)

28297. If upon inspection any such building, room, basement, cellar, or other place, or any vehicle, employer, employee, or other person is found to be in violation of or violating any of

Reports

the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, or distribution of food is being conducted in a manner detrimental to the health of the employees or to the character or quality of the food being produced, prepared, manufactured, packed, stored, sold, distributed, or conveyed, the person making the inspection shall at once make a written report of the violation to the district attorney of the county, who shall prosecute the violator. He shall make a like report to the board. The board, from time to time, may publish such reports in its monthly bulletin.

(Added by Stats. 1947, Ch. 762.)

Public
nuisance

28298. Every building, room, basement, cellar, or other place or thing kept, maintained, or operated in violation of this article, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed, or transported in violation of this article, is a public nuisance dangerous to health. Any such nuisance may be abated or enjoined in an action brought for that purpose by the local or state board or may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

(Added by Stats. 1947, Ch. 762.)

Short
title

28299. The sections contained in Article 1 of Chapter 7 of Division 21 of the Health and Safety Code are to be known as the California Food Sanitation Act.

(Added by Stats. 1951, Ch. 988.)

Article 2. Food Containers

"Bottle"

28310. "Bottle," as employed in this article, includes any bottle or any glass or crockery food container, other than one not previously used, which is used or sold for use in the manufacture, production, preparation, compounding, blending, or packing for sale of any food, drug, or liquor.

(Added by Stats. 1947, Ch. 762.)

Exception

28311. This article is not applicable to containers subject to the provisions of Division IV of the Agricultural Code.

(Added by Stats. 1947, Ch. 762.)

Application
of provisions

28312. The provisions of this article in reference to sterilization procedures and methods in cleaning bottles, as in this article defined, shall apply to all persons cleaning previously used bottles who are engaged in the business of packaging food, drugs, or liquors and to all persons maintaining a place of business for the cleaning and resale of such bottles sold for and to be used for packing a food, drug or liquor.

Unlawful
sale

The sale for use of any such bottle by any person not licensed by the board as herein provided, when the use intended by purchaser is to package for sale a food, drug or liquor produced or packaged by such purchaser is unlawful, except in the case of a sale to a purchaser for export out of this State or who is

Exception

engaged in the business of packaging food, drugs or liquors at a fixed place of business in this State and is equipped to cleanse and sterilize bottles as in this article provided.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347, and by Stats. 1951, Ch. 988.)

28313. The board shall issue a license to an applicant therefor upon the receipt of such evidence as the board may require showing that the applicant is properly equipped for the cleansing and sterilization of bottles as herein provided, or at its option upon the recommendation of a city, county or city and county health officer. This license is nontransferable. License

The license provisions of this article shall not apply to food, drug or liquor manufacturers or packers who buy bottles for their own use and purposes, but do apply to any other person, firm or corporation engaged in the business of cleaning, sterilizing and reselling bottles to such manufacturers or packers except as hereinabove provided. Exemption

(Added by Stats. 1947, Ch. 762; amended by Stats. 1949, Ch. 1347, and by Stats. 1957, Ch. 353.)

28314. An establishment is deemed properly equipped for the cleansing and sterilization of bottles if it maintains and employs the following standards: Standards

(a) Cleanses and sterilizes bottles by first soaking them in a hot caustic solution of not less than 120 degrees F. for a period of not less than five minutes which temperature shall be indicated by a thermometer. The solution shall contain not less than 2½ percent of caustic soda expressed in terms of sodium hydrates.

(b) Changes the cleansing solution frequently so as to prevent its becoming foul and insanitary.

(c) Thoroughly rinses the bottles after the soaking.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1951, Ch. 988.)

28315. All bottles shall be cleansed and sterilized as specified in Section 28314, and shall be kept free from rust or contamination. Sterilization of bottles

(Added by Stats. 1947, Ch. 762.)

28316. A licensee shall issue a certificate of sterilization with each shipment of bottles to a purchaser, stating that the licensee has cleansed and sterilized the bottles in the manner required by this article. Certificates

(Added by Stats. 1947, Ch. 762.)

28317. If any licensee fails to maintain his equipment and to cleanse or sterilize any bottle in the manner required by this article, and issues a certificate knowing its contents to be untrue, the board may revoke or suspend his license after a hearing. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. Revocation of license

(Added by Stats. 1947, Ch. 762.)

Purchase
from licensed
seller

28318. Any purchaser of a bottle who shows a certificate of sterilization signed by a licensed seller thereof complies sufficiently with this article.

(Added by Stats. 1947, Ch. 762.)

Sale to
licensed
purchaser

28319. Nothing in this article prohibits the sale for use of any uncleansed or unsterilized bottle to a purchaser who is licensed under this article.

(Added by Stats. 1947, Ch. 762.)

Used tin
plate

28320. Food containers manufactured from second-hand tin plate and intended for the packing of hermetically sealed canned food products intended to be used for human consumption shall not be so used unless the tin plate from which they are manufactured has, prior to their manufacture, been cleansed and sterilized by thorough immersion in boiling water, and then dried on hot rolls or by the use of heated air.

The board may inspect any place where the containers are manufactured for the purpose of enforcing this section.

(Added by Stats. 1947, Ch. 762.)

Local health
department

28321. The provisions of this article with the exception of the licensing provisions may be enforced by any local enforcement division, which shall be construed to mean the local health department, headed by the duly appointed, qualified and acting health officer of any county, city or city and county. Such territory may include one or more counties, cities or cities and counties.

(Added by Stats. 1949, Ch. 1347.)

Nonalcoholic
soft drinks

28322. A nonalcoholic soft drink, whether or not carbonated, shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. Such a beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trade-mark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed in the Bureau of Food and Drug Inspections of the Department of Public Health stating the name, trade-mark, or brand of such beverage, a full and complete description of each territory or area of the State in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the State in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a beverage or beverages from any provision of Chapter 3 of this division.

(Added by Stats. 1951, Ch. 533; amended by Stats. 1955, Ch. 1751.)

Article 3. Closed Containers

28325. Except when sold in bulk for manufacturing purposes, it is unlawful to sell or otherwise dispose of at retail jams, jellies, preserves, marmalades, peanut butter, horseradish, mayonnaise, or salad dressings other than in closed containers approved by the board, when the board determines that any other method of sale or disposition of any such food or food product is conducive to its contamination by flies, insects, dust, dirt, or foreign material of any kind whatsoever.

(Added by Stats. 1947, Ch. 762.)

Article 4. Walnuts

28330. This article does not apply to the shelling, cleaning, grading, or packing of any walnuts by the grower thereof upon the land where the walnuts are grown.

(Added by Stats. 1947, Ch. 762.)

28331. It is unlawful for any person to shell any walnuts intended for sale for human consumption or which are sold for human consumption, or to pack, clean, grade, or otherwise prepare such walnuts after shelling, except upon premises which are licensed as provided in this article.

(Added by Stats. 1947, Ch. 762.)

28332. No license shall be issued except upon application and after inspection by the board of the premises for which the license is requested, and only if the board finds that the premises comply with the standards prescribed in Sections 28280 to 28287, both inclusive, and 28295 of this chapter.

(Added by Stats. 1947, Ch. 762.)

28333. The board shall inspect the premises within 10 days after the date of the filing of the application.

(Added by Stats. 1947, Ch. 762.)

28334. A license issued by the board shall not be for a period of more than one year, and shall expire at the end of the period for which it is issued. This license is nontransferable.

(Added by Stats. 1947, Ch. 762; amended by Stats. 1957, Ch. 353.)

28335. At any time after the issuance of the license the premises covered thereby may be reinspected by the board, and the license may be revoked or suspended after a hearing by the board if it finds that the premises no longer comply with the standards prescribed by Sections 28280 to 28287, both inclusive, and 28295 of this chapter. The proceedings for the revocation or suspension of a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 762.)

28336. All licensees and others subject to Section 28337 shall keep accurate and sufficient records showing their respective shelling, cleaning, grading, packing, preparing, purchasing, and receiving operations in shelled walnuts, and the names and addresses of their employees and agents. Such

records shall be kept in the form prescribed by the board, and are subject to inspection at any time by the board.

Failure to keep any records required by this section is unlawful.

(Added by Stats. 1947, Ch. 762.)

Preparation
on licensed
premises

28337. It is unlawful for any person to purchase, acquire, or receive for sale or introduction into the channels of trade, in their original or any modified or manufactured form, any shelled walnuts, or products thereof, which were shelled, cleaned, graded, packed, or otherwise prepared other than on licensed premises.

(Added by Stats. 1947, Ch. 762.)

Fee

28338. The annual fee for a license issued pursuant to this article is twenty-five dollars (\$25).

All fees shall be deposited with the State Treasurer.

(Added by Stats. 1947, Ch. 762.)

Rules and
regulations

28339. The board may issue and enforce all rules and regulations necessary to carry out this article, and may prescribe forms and accounting methods to be used by licensees with respect to operations subject to license under this article.

(Added by Stats. 1947, Ch. 762.)

Article 5. Violations

Penalty

28345. Any person, whether as principal or agent, employer or employee, who violates any of the provisions of this chapter is guilty of a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each day's violation is a separate and distinct offense.

(Added by Stats. 1947, Ch. 762.)

CHAPTER 8. CANNERIES

(Chapter 8 added by Stats. 1947, Ch. 764)

Article 1. Definitions and Scope

"State
board"

28360. "State board," as used in this chapter, means the State Board of Public Health.

(Added by Stats. 1947, Ch. 764.)

"Meat or
meat
products"

28361. "Meat or meat products" as used in this chapter, means any meat or meat product or poultry or poultry product which is not subject to the inspection of the Bureau of Meat Inspection or the Bureau of Poultry Inspection of the State Department of Agriculture, or of the Meat Inspection Division or Poultry Division of the United States Department of Agriculture, or of an approved municipal inspection department or establishment.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581, and by Stats. 1959, Ch. 1350.)

28362. "Food product," as used in this chapter, includes any fish or fish product, meat or meat product, or any other food product. "Food product"

(Added by Stats. 1947, Ch. 764.)

28363. The operation of noncommercial canning centers by community canning centers, schools, churches, other organizations, or housewives who pack hermetically sealed canned food products for their own consumption and do not sell the canned food, is exempt from the licensing provisions of this chapter. Exemptions

(Added by Stats. 1947, Ch. 764.)

28364. In lieu of a license, a permit to operate such a canning center shall be issued without cost by the board upon the submission of such evidence as the board requires to show that the persons operating the center are qualified and that the center is properly equipped and meets all other provisions of this chapter. Permit

(Added by Stats. 1947, Ch. 764.)

28365. Food products which do not require the use of a pressure cooker but necessitate acidulation and pH determinations come within this chapter. Acidulation, etc.

(Added by Stats. 1947, Ch. 764.)

28366. No act which is unlawful under Chapter 3 of this division, relating to the adulterating, mislabeling, misbranding, false advertising, and sale of foods, is lawful by reason of this chapter. Unlawful acts

(Added by Stats. 1947, Ch. 764.)

Article 2. Cannery Inspection Board

28380. There is in the State Government a Cannery Inspection Board consisting of the following six members: Cannery Inspection Board: Members

(a) The director of the state department, who shall act as chairman.

(b) One man appointed by the State Board of Health who shall have had at the time of his appointment at least ten (10) years experience in or with canning technology and has a degree in chemistry, bacteriology or medicine.

(c) Four men appointed by the state board who are experienced, have substantial investments and are actively engaged in the canning industry at the time of their appointment.

One of the four appointive members shall be engaged in the canning of animal food.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581.)

28381. Each appointed member holds office for a term of one year or until his successor is appointed. Term

(Added by Stats. 1947, Ch. 764.)

28382. Members of the board serve without compensation. The board shall meet at least quarterly. Compensation Meetings

(Added by Stats. 1947, Ch. 764; amended by Stats. 1953, Ch. 1316.)

Estimate of
cost of
inspection

28383. The Cannery Inspection Board shall, subject to the approval of the state board, estimate the cost of the separate inspection and laboratory control required to be made for each food product subject to this chapter.

(Added by Stats. 1947, Ch. 764.)

When made

28384. The estimate shall be made prior to the opening of the canning season for each such product having a canning season of less than three consecutive months, and prior to each quarter for each such product having a canning season of more than three consecutive months.

(Added by Stats. 1947, Ch. 764.)

Estimate
of pack

28385. For the purpose of prorating the estimated cost of inspection and laboratory control, the Cannery Inspection Board, subject to the approval of the state board, shall estimate the number of cases to be packed, the number of tons to be packed, or the number of man-hours necessary to be employed, whichever in its discretion is most equitable as a basis of proration.

(Added by Stats. 1947, Ch. 764.)

Probable
cost

28386. Based on the estimates required by the last three sections, the Cannery Inspection Board, subject to the approval of the state board, shall determine the probable cost of inspection and laboratory control per thousand cases, per ton, or per man-hour, whichever in its discretion is most equitable.

(Added by Stats. 1947, Ch. 764.)

Proration
of cost

28387. The cost of laboratory control and research on products subject to this chapter shall be prorated by the Cannery Inspection Board in the same manner as the costs of inspection are prorated by it.

(Added by Stats. 1947, Ch. 764.)

Validity

28388. If the delegation of discretion to determine whether the case, ton, or man-hour basis is most equitable as a basis of prorating the cost of inspection and laboratory control is held invalid as an unlawful delegation of legislative power, such invalidity shall not affect the validity of the remaining portions of this chapter. The Legislature hereby declares that if it had known that the delegation of such delegation would be declared invalid as an unlawful delegation of legislative power, it would have designated the man-hour basis of proration as the most equitable basis of proration. In the event of such invalidity, the cost of inspection and laboratory control shall be prorated on the man-hour basis.

(Added by Stats. 1947, Ch. 764.)

Article 3. Proration of Costs

Actual cost

28400. At the end of each quarter, or at the close of any canning season which does not exceed three consecutive months, the state board shall determine the actual cost of inspection and laboratory control of each separate food product for the preceding quarter or preceding canning season, and shall prorate such cost to each person licensed under this chapter on the basis of cases packed, tons packed, or number of man hours

necessary to be employed, whichever has been determined by the Cannery Inspection Board, with the approval of the state board, to be most equitable.

(Added by Stats. 1947, Ch. 764.)

28401. In making any separate inspection and laboratory control for any food product, the state board shall not spend more than the amount estimated by the Cannery Inspection Board as the cost of the inspection without the approval of the Cannery Inspection Board.

Cost of separate inspection, etc.

(Added by Stats. 1947, Ch. 764.)

28402. In making estimates, determinations, assessments, and prorations under Articles 2 and 3 of this Chapter, the Cannery Inspection Board and the state board may include as a part of the cost of inspection a reasonable charge for stand-by services of inspectors.

Standby services of inspectors

(Added by Stats. 1947, Ch. 764.)

28403. In lieu of all other procedures in Articles 2 and 3 of this chapter, each person licensed under this chapter may be assessed at an estimated annual hourly rate set by the Cannery Inspection Board with the approval of the state board and the State Director of Finance. Such annual rate shall be set for each industry group based on the estimated cost.

Assessment

(Added by Stats. 1953, Ch. 1316.)

Article 4. Licenses and Licensees

28410. It is unlawful for any person to engage in the non-commercial canning of salmon, or in the commercial canning of any fish or fish product, meat or meat product, or any other food product for the use of man or animal, the sterilization of which in the opinion of the state board requires the use of a pressure cooker or a retort, without first obtaining a license from the state board.

License for canning

(Added by Stats. 1947, Ch. 764.)

28411. The state board shall issue an annual license, which is nontransferable, to any person on the receipt of fifty dollars (\$50) per plant, and such evidence as the board may require to show that (1) the applicant is properly equipped with a retort or pressure cooker which has recording thermometers, indicating thermometers, and pressure gauges to carry out such rules and regulations as the state department may adopt for the sterilization of food products for the canning of which a license is sought and (2) the applicant is in compliance with the sanitary regulations of the state board. The applicant shall be deemed to be in compliance with such sanitary regulations unless the applicant has been given written notice by the state board not less than sixty (60) days prior to the expiration of the existing license that the cannery does not comply with such sanitary regulations, and the applicant has subsequently failed to bring the cannery into compliance therewith.

Fee

Presumption of compliance

(Added by Stats. 1947, Ch. 764; amended by Stats. 1949, Ch. 581, and by Stats. 1957, Ch. 353.)

Hearing 28411.5. Any person who has been denied the annual license provided in this chapter may obtain a hearing by the state board by mailing a written request therefor to said board. The

Notice state board shall give the applicant at least ten (10) days notice of such hearing and shall hold such hearing within thirty (30) days of the receipt of such request.

(Added by Stats. 1949, Ch. 581.)

Cash deposit 28412. In addition to the annual license fee, the state board shall demand from each licensee such cash deposit for the payment of his pro rata share of the estimated cost of inspection and laboratory control as the state board may deem necessary.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

Insufficient deposit 28413. If the deposit made by any licensee is insufficient to meet the actual cost of an inspection and laboratory control of any product determined by the state board, the later shall demand from the licensee, and the licensee shall immediately pay to the state board, in addition to the license fee payable by the licensee, the difference between the deposit and his pro rata share of the actual cost of the inspection and laboratory control.

(Added by Stats. 1947, Ch. 764.)

Refunds 28414. If at the end of the calendar year, or at the end of any canning season of less than three consecutive months the deposit made by any licensee under this chapter is greater than the actual cost prorated to the licensee, the difference shall be refunded if requested by such licensee in accordance with law. If the difference is not so refunded, it shall be credited toward the required deposit for the next calendar year or canning season.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

Payment before shipping 28415. No food product subject to the inspection required by this chapter shall be shipped by the licensee who packed it until the licensee has either paid his pro rata share of the estimated cost of inspection or has furnished the state board a cash deposit for the payment of his pro rata share of such cost.

(Added by Stats. 1947, Ch. 764; amended by Stats. 1947, Ch. 810.)

Revocation of license 28416. The state board may after notice and opportunity for hearing suspend or revoke a license issued under this chapter for any of the following causes:

(a) Nonpayment of the pro rata share of the cost of inspection and laboratory control, or failure to comply with a demand for a cash deposit or other security by the holder of the license.

(b) Noncompliance with any of the regulations of the state board.

(c) Operation of an insanitary cannery after due notice by registered mail has been received.

(d) Inadequate rat-proofing of a cannery throughout.

(e) Wilful packing of any canned food commodity which has been rejected by an agent of the state department.

(f) Packing of any canned food commodity subject to this chapter without notifying the state department before packing.

(Added by Stats. 1947, Ch. 764.)

28417. After conviction for a violation of Chapter 3 of Suspensions this division, the license or the person convicted may be suspended for a period of from 1 to 30 days.

(Added by Stats. 1947, Ch. 764.)

28418. Proceedings for the suspension and revocation of Procedure licenses shall be conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code; and the state board has all the powers granted therein.

(Added by Stats. 1947, Ch. 764.)

Article 5. General Provisions

28430. No person shall permit another to operate a steam Permit to operate steam retort controlled retort used in the commercial canning industry for the sterilization of food products, unless the latter first obtains a permit from the state board. The board may pass upon and determine the qualifications of the applicant with a view to the preservation of the public health.

Any permit granted is revocable by the board whenever in its judgment the public health requires such action.

(Added by Stats. 1947, Ch. 764.)

28431. It is unlawful for any person to place upon the Labels label of any bottle, can, jar, carton, case, box, barrel, or any other receptacle, vessel, or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber, or dealer for enclosing any canned food product, fish or fish product, or meat or meat product, any statement relative to the product having been inspected, unless the statement has been approved in writing by the state board.

Approval of a statement is revocable at any time by the state board upon written notice.

(Added by Stats. 1947, Ch. 764.)

28432. Any food product packed in violation of this Quarantine chapter may be quarantined by the state board until a laboratory examination has established that the product meets the requirements of this chapter.

(Added by Stats. 1947, Ch. 764.)

28433. Any person who packs any food product which Cost of examination has been quarantined by the state board shall pay the state board all reasonable costs of any laboratory examination, determined by the Cannery Inspection Board, subject to the approval of the state board, to be necessary to ascertain that the seized product was packed in violation of this chapter.

(Added by Stats. 1947, Ch. 764.)

Supervision
of fish
canning

28434. The Division of Cannery Inspections has supervision over the inspection and examination of raw fish and fish products preparatory to canning.

The cost of the inspection and examination shall be determined and paid in the manner provided in Article 2 of this chapter.

(Added by Stats. 1947, Ch. 764.)

Article 6. Rules and Enforcement

Rules and
regulations

28440. The state board may make such rules and regulations as it deems necessary for the proper enforcement of this chapter, and such rules and regulations shall have the force and effect of law.

(Added by Stats. 1947, Ch. 764.)

Submission
to Cannery
Inspection
Board

28441. No rule or regulation or amendment thereto shall be adopted unless submitted by the state board to the Cannery Inspection Board at least five days prior to the date of adoption.

(Added by Stats. 1947, Ch. 764.)

Enforcement

28442. The state board shall enforce its rules and regulations and the provisions of Chapter 3 of this division relating to the canning of food products, through the Chief of the Bureau of Cannery Inspections and such other employees as it deems necessary. The state board shall, so far as practicable, acquaint each licensee subject to this chapter with its rules and regulations, and upon request therefor by any licensee shall furnish a copy of such rules and regulations.

(Added by Stats. 1947, Ch. 764.)

Prosecution

28443. The district attorney of the county in which any violation of this chapter occurs shall prosecute the person accused of the violation.

(Added by Stats. 1947, Ch. 764.)

Article 7. Funds

28450. (Added by Stats. 1947, Ch. 764; repealed by Stats. 1951, Ch. 1261. See note following Section 117.)

Deposit of
moneys

28451. All money received by the State Department of Public Health under the provisions of this chapter shall be paid at least once each month to the State Treasurer, and on order of the State Controller, shall be deposited in the General Fund in the State Treasury.

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

Special
Deposit
Fund

28452. Notwithstanding the provisions of Section 28451, the State Department of Public Health and the Department of Finance may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Public Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Public Health that all or a part of any such deposit is due the State for payment on account of the depositor's pro-rata share of costs incurred by the State under this chapter, the amount so deter-

mined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund.

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. Applicable provisions

(Added by Stats. 1951, Ch. 1261. See note following Section 117.)

Article 8. Violations

28455. Any person who does not obtain a license required of him by this chapter, or who engages in canning operations after his license has been suspended or revoked, or who otherwise violates this chapter, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not exceeding six months. Penalty
(Added by Stats. 1947, Ch. 764.)

CHAPTER 9. OLIVE OIL

(Chapter 9 added by Stats. 1947, Ch. 710)

28475. "Olive oil," as used in this chapter, means the edible oil obtained from the fruit of the olive tree (*olea europea* L.). "Olive oil"

(Added by Stats. 1947, Ch. 710.)

28476. "Imitation olive oil," as used in this chapter, means the mixture of any edible oil with olive oil to resemble olive oil; or any edible oil artificially colored or flavored to resemble olive oil. "Imitation olive oil"

(Added by Stats. 1947, Ch. 710; amended by Stats. 1953, Ch. 1692.)

28477. (Added by Stats. 1947, Ch. 710; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

28478. Unless a license so to do is first obtained from the board, it is unlawful for any person in this State to engage in the packaging or manufacture of olive oil, or in the wholesale distribution of olive oil where his name and address will appear upon olive oil containers of one pint capacity or larger, as the distributor and his name will appear upon the containers as the only California addressee. License

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

28479. On receipt of an application showing that the applicant is properly equipped to package or manufacture olive oil, or is a wholesale distributor of olive oil whose name and address will appear upon olive oil containers as distributor and whose name also will appear upon such containers as the only California addressee, the board shall, free of charge, issue the applicant a license, not transferable, but good until revoked, to package, manufacture, or distribute olive oil as the case may be. Application

The board may revoke or suspend such license after a hearing. The proceedings for the revocation or suspension of a license shall be in accordance with Chapter 5 of Part 1 of Divi-

sion 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

Manufacture, etc., of imitation olive oil 28480. It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in the State.

This section does not prohibit the blending of olive oil with other edible oils by any person in his own home for his own personal use.

(Added by Stats. 1947, Ch. 710; amended by Stats. 1949, Ch. 1572.)

Artificial color, etc. 28481. The use of any artificial color or flavor in the manufacture or blending of olive oil is prohibited.

(Added by Stats. 1947, Ch. 710.)

Mix or blend 28482. It is unlawful to prepare, express, mix, or blend olive pomace or meats with any bland fixed oil other than olive oil.

(Added by Stats. 1947, Ch. 710.)

Records open to public inspection 28483. All records of those licensed under the provisions of this act which concern the amounts of olive oil produced and/or purchased, or the sale and/or distribution of any olive oil, shall be open to inspection upon demand of any agent of this board.

(Added by Stats. 1947, Ch. 710; repealed and added by Stats. 1951, Ch. 814.)

Repacking 28484. It is unlawful to reuse any olive oil container, can, or drum for repacking any fixed oil intended to be used for food purposes, except on the premises of the processor.

(Added by Stats. 1947, Ch. 710.)

Technical purposes 28485. All olive oil for technical purposes shall be denatured with an odoriferous substance so as to render it unfit for food purposes.

(Added by Stats. 1947, Ch. 710.)

Fatty acid content 28486. It is unlawful to sell or offer for sale olive oil containing more than 5 percent free fatty acid without first denaturing the oil and making it unfit for human consumption.

(Added by Stats. 1947, Ch. 710.)

Enforcement 28487. The board shall enforce the provisions of this chapter.

(Added by Stats. 1947, Ch. 710.)

Penalty 28488. Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

(Added by Stats. 1947, Ch. 710.)

CHAPTER 10. FOOD SULPHURS

(Chapter 10 added by Stats. 1947, Ch. 709)

"Sulphur," etc. 28500. "Sulphur for sulphuring fruits or other foods," as used in this chapter, means sulphur which contains not more than 10 parts per million of arsenic oxide (As_2O_3).

(Added by Stats. 1947, Ch. 709.)

28501. Every package, parcel, bag, or container of sulphur for sulphuring fruits or other foods shall be labeled or tagged. Labeling

(Added by Stats. 1947, Ch. 709.)

28502. The label or tag shall contain the words in boldfaced type, not less than one-fourth of an inch in height, "sulphur for sulphuring fruits or other foods." Contents of label

(Added by Stats. 1947, Ch. 709.)

28503. The label or tag shall also contain the name and address of the person who manufactures, prepares, or packs the sulphur. Same

(Added by Stats. 1947, Ch. 709.)

28504. The board shall prescribe the form of the tags or labels to be used. Form of label

(Added by Stats. 1947, Ch. 709.)

28505. No person shall use sulphur containing more than 10 parts per million of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods. Prohibition

(Added by Stats. 1947, Ch. 709.)

28506. No person shall sell, offer for sale, or keep for sale sulphur containing more than 10 parts per million of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods. Same

(Added by Stats. 1947, Ch. 709.)

28507. The board shall enforce the provisions of this chapter. Enforcement

(Added by Stats. 1947, Ch. 709.)

28508. The board shall prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this chapter. Rules and regulations

(Added by Stats. 1947, Ch. 709.)

28509. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both. Penalty

(Added by Stats. 1947, Ch. 709.)

CHAPTER 11. SANITATION OF RESTAURANTS

(Chapter 11 added by Stats. 1947, Ch. 394)

NOTE: Stats. 1947, Ch. 394, which added Chapter 11, also contained this section:

SEC. 2. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to any other person or circumstances, shall not be affected thereby.

Article 1. Definitions and General Provisions

28600. This chapter is known as the "California Restaurant Act." "California Restaurant Act"

(Added by Stats. 1947, Ch. 394.)

28601. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. Definitions

(Added by Stats. 1947, Ch. 394.)

"Restau-
rant" 28602. "Restaurant" means any coffee shop, cafeteria, shortorder cafe, luncheonette, tavern, sandwich stand, soda fountain, and any other eating or drinking establishment which sells or offers for sale food to the public, as well as kitchens in which food or drink is prepared on the premises for sale or distribution elsewhere.

(Added by Stats. 1947, Ch. 394.)

"Food" 28603. "Food" and beverage includes all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption, but does not include foods or beverages enclosed in hermetically sealed containers.

(Added by Stats. 1947, Ch. 394.)

"Employee" 28604. "Employee" means any person employed with or without pay in a restaurant.

(Added by Stats. 1947, Ch. 394.)

"Utensils" 28605. "Utensils" includes kitchenware, tableware, glassware, cutlery, containers, machinery, implements, receptacles, supplies, or other equipment used for the storage, preparation, distribution, or serving of food or drink.

(Added by Stats. 1947, Ch. 394.)

Article 2. Sanitation Requirements for Restaurants

Floors 28620. The floors of all rooms in which food or drink is stored, prepared, or handled, or in which utensils are washed, shall be kept clean and in good repair. The floors of all rooms in which food or drink is prepared or utensils washed shall have a smooth, washable surface.

(Added by Stats. 1947, Ch. 394.)

Walls and
ceilings 28621. The walls and ceilings of all rooms in which food or drink is stored, prepared, or handled shall be kept clean and in good repair. The walls and ceilings of all rooms in which food or drink is prepared or utensils washed shall have a smooth washable surface.

(Added by Stats. 1947, Ch. 394.)

Openings 28622. All openings into outer air of rooms in which food is prepared or served shall be effectively screened with wire screen of not coarser than 16 mesh, unless other effective means are provided to prevent the entrance of flies. Screen doors to the outer air shall open outward and shall be self-closing.

(Added by Stats. 1947, Ch. 394.)

Lighting 28623. That part of any room in which food or drink is prepared or in which utensils are washed shall be well lighted with a minimum light intensity of not less than 10-foot candles.

(Added by Stats. 1947, Ch. 394.)

Ventilation 28624. All rooms in which food or drink is stored, prepared, distributed, or served, or in which utensils are washed, shall be properly ventilated.

(Added by Stats. 1947, Ch. 394.)

Water
supply 28625. Hot and cold running water under pressure shall be accessible to all rooms in which food is prepared or utensils are washed. The water supply shall be adequate and of a safe,

sanitary quality. Hot and cold running water need not be provided if single service utensils are used exclusively.

(Added by Stats. 1947, Ch. 394.)

28626. Every restaurant, excepting vehicles, shall be provided with adequate and conveniently located toilet facilities on the premises for its employees or operatives. Toilet rooms installed after the effective date of this chapter shall be not less than eighteen (18) square feet in area. Toilet rooms shall not open into any room in which food, drinks, or utensils are handled or stored. The doors of all toilet rooms and ante rooms shall be self-closing. Toilet rooms shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air and effectively screened against insects and free from rodents. Floors shall be of cement, tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved sewage disposal system, and shall be properly trapped. No toilet room shall be used for the storage of garments, food products, or utensils.

Toilet facilities

(Added by Stats. 1947, Ch. 394.)

28627. Adequate and convenient handwashing facilities shall be provided within or adjacent to toilet rooms, including running water, soap, and approved sanitary towels, in all restaurants. The use of a common towel is prohibited. No employee or owner shall resume work in a restaurant after visiting the toilet without first washing his hands, and legible signs shall be posted in each toilet room directing to this requirement.

Lavatories

(Added by Stats. 1947, Ch. 394.)

28628. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, stoves, hoods, refrigerating equipment, utensils, or other equipment shall be kept clean and in good repair. All multiuse dishes and utensils shall be kept free of breaks, corrosion, open seams, cracks, and chipped places. All restaurants shall be provided with at least a two-compartment metal sink with metal drain boards, or an adequate dishwashing machine except where single service eating and drinking utensils are used exclusively.

Utensils

(Added by Stats. 1947, Ch. 394.)

28629. All, except single service, eating and drinking utensils shall be thoroughly cleaned and then effectively subjected to one of the following approved bactericidal processes after each usage:

Cleaning utensils

(a) Immersion for at least one-half minute in clean, hot water at a temperature of at least 180° F.

(b) Immersion for at least one-half minute in a chlorine bath containing at least 100 parts per million at all times of available chlorine if hypochlorites are used, or a concentration of equal bactericidal efficiency if chloramines are used.

(c) Any other method approved by the State Department of Public Health.

Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish, or other substance con-

taining any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(Added by Stats. 1947, Ch. 394.)

**Storage of
utensils**

28630. After washing and bactericidal treatment, utensils shall be handled in such a manner as to prevent contamination. They shall be stored in a clean place, protected from flies, dust, and other contamination. Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used, shall be handled in a sanitary manner, and shall be used only once.

(Added by Stats. 1947, Ch. 394.)

**Garbage
and waste**

28631. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable, leak-proof, non-absorbent metal receptacles covered with close-fitting metal lids. Receptacles into which waste products are emptied at frequent intervals shall not be required to have lids during such use. Such receptacles shall be thoroughly cleansed after emptying and before re-use.

(Added by Stats. 1947, Ch. 394.)

Pure foods

28632. All food and drink manufactured, produced, prepared, compounded, packed, stored, kept for sale, offered for sale, sold, or served in a restaurant shall comply with the provisions of Chapter 3 of this division.

(Added by Stats. 1947, Ch. 394.)

**Protection
from con-
tamination**

28633. All food or drink shall be so stored, displayed, dispensed, or served as to be reasonably protected from dust, dirt, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination.

(Added by Stats. 1947, Ch. 394.)

Animals

28634. No live animal or fowl shall be kept or allowed in any room where food or beverage is stored, kept, or served in a restaurant where there exists any possibility of food contamination, whether directly or indirectly, or which produce disagreeable or obnoxious odors, except that this section shall not apply to premises exclusively devoted to the slaughter of animals or fowl for food, nor shall this section apply to dogs being used by the blind.

(Added by Stats. 1947, Ch. 394.)

Premises

28635. The premises of all restaurants shall be kept clean and free, by all reasonable means, of litter, rubbish, rodents, roaches, ants, flies, or other insects.

(Added by Stats. 1947, Ch. 394.)

**Living
quarters**

28636. No operation connected with the storage or preparation of food in a restaurant shall be conducted in any room used as living or sleeping quarters.

(Added by Stats. 1947, Ch. 394.)

Beds

28637. No couch, cot, bed, or other accessory which may be used for sleeping purposes shall be maintained or kept in any room in which food or drink is stored, prepared, or handled.

(Added by Stats. 1947, Ch. 394.)

28638. No owner or employee shall dress or undress in any room where food is prepared or served. He shall not leave or store his clothing therein. A suitable room or space shall be provided where employees may change and store their outer garments. Storage of clothing

(Added by Stats. 1947, Ch. 394.)

28639. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. Soiled laundry

(Added by Stats. 1947, Ch. 394.)

Article 3. Health Requisites

28650. All employees and owners while engaged in the preparation or serving of food in a restaurant shall wear clean outer garments, shall keep their hands clean, and shall not expectorate or use tobacco in any form while so engaged. Female employees shall wear hair nets, caps, or other suitable covering which confines the hair. Cleanliness of employees

(Added by Stats. 1947, Ch. 394.)

28651. No person shall be employed in a restaurant who, in the opinion of the health officer having jurisdiction, is affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties as a food handler. Communicable disease

(Added by Stats. 1947, Ch. 394.)

28652. When a complaint or information as to the possibility of the transmission of infection from any restaurant employee or owner is presented to the health officer having jurisdiction, he shall investigate, and may, after investigation, require, in writing, any or all of the following measures: Investigation of infection

(a) The immediate exclusion of such employee or owner from the restaurant by the health officer.

(b) The immediate closing of the restaurant until no further danger of disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other restaurant until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form.

(Added by Stats. 1947, Ch. 394.)

Article 4. Enforcement and Inspection

28660. The director, inspectors, and agents appointed by the board, and all health officers and duly authorized agents thereof, and inspectors are charged with the enforcement of the provisions of this chapter. Enforcement officers

(Added by Stats. 1947, Ch. 394.)

Entrance for
inspection

28661. The Director of the State Department of Public Health, inspectors, and agents employed by the department, and health officers and duly authorized agents thereof, may at all reasonable times enter any restaurant or any place suspected of being a restaurant to inspect the premises and utensils, implements, machinery, receptacles, fixtures, furniture, and other equipment, supplies, articles of food, operatives, and employees therein.

(Added by Stats. 1947, Ch. 394.)

Penalty

28662. Any person who violates any provision of this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

(Added by Stats. 1947, Ch. 394.)

Rules and
regulations
of local
agency

28663. The provisions of this chapter shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for restaurants, and requiring a local health permit to maintain and conduct any such restaurant within such city, county, or city and county; provided, however, that any restaurant which complies with such local health ordinance or resolution in any such city, county, or city and county shall not be subject to such regulations under the ordinance or resolution of any other city, county, or city and county.

Duplication
by state
officials

Whenever the enforcement of the minimum requirements of this chapter by any organized local health service is satisfactory to the State Department of Public Health, the enforcement of the provisions of this chapter shall not be duplicated by the State Department of Public Health, except as may be necessary to determine its satisfactory enforcement by the local authorities.

(Added by Stats. 1947, Ch. 394.)

Department
rules and
regulations

28663.5. The State Department of Public Health may adopt and enforce rules and regulations for the execution of its duties under this chapter.

(Added by Stats. 1947, Ch. 394.)

Exemptions

28664. Camps subject to the provisions of Article 4, Chapter 1, Part 9, of Division 2 of the Labor Code, and dining cars and other railroad rolling equipment which are subject to the United States Public Health Service inspection, are not subject to the provisions of this chapter.

(Added by Stats. 1947, Ch. 394.)

Posting of
provisions

28665. Every restaurant owner covered by this act shall post in a conspicuous place the provisions of this chapter, which shall be printed and made available to such restaurant owners by the State Department of Public Health.

(Added by Stats. 1947, Ch. 394.)

CHAPTER 12. FROZEN FOODS

(Chapter 12 added by Stats. 1951, Ch. 1594)

28700. When used in this chapter, unless the context otherwise requires: Definitions

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food, or in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, and frozen to be delivered for frozen storage by the ultimate consumer. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Public Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1959, Ch. 1625.)

NOTE: Stats. 1951, Ch. 1594 also contained the following provisions:

SEC. 2. If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which said judgment or decree shall have been rendered.

28701. No person hereafter shall engage within this State License
in the business of operating any frozen food locker plant with-

out having applied for or obtained from the director of the department a license for each such place of business. Applications for such license shall be made in writing to the director of the department, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted promptly as a matter of right unless conditions exist which are ground for denial of a license, as hereinafter set forth.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Same: Fees

28702. The annual license fee for a frozen food locker plant shall be twenty-five dollars (\$25), except that no fee shall be required where the only service, as defined under Section 28700, is that for compensation, directly or indirectly, meat or meat products are cut, wrapped, and frozen in an establishment to be delivered for frozen storage by the ultimate consumer. Such fees shall be paid into the General Fund.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1959, Ch. 1625. See note following Section 28700.)

Same:
Inspection

28703. Upon receipt of the application for a license accompanied by the required fee, the department shall promptly inspect the plant to be licensed and shall issue such license; provided, such plant, its equipment, facilities and its surrounding premises and its operations comply with the provisions of this chapter and rules and regulations pertaining to this chapter. The department shall inspect all frozen food locker plants licensed under this chapter, whenever the department considers such inspection necessary. The department and its representatives shall have access to such plants at all reasonable times for the purpose of making inspections.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Same:
Form and
contents

28704. The license issued hereunder shall be in such form as the department shall prescribe and shall be under the seal of the department and shall set forth the name of the licensee, the location for which the license is issued, the period of the license and such other information as the department may determine. Licenses shall be for a term of one calendar year and shall be renewed annually. The license is nontransferable. The original license or a certified copy thereof shall be conspicuously displayed by the licensee in the locker plant for which the license is issued.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1957, Ch. 353.)

Floors,
walls,
etc.

28705. The floors, walls and ceilings of frozen food locker plants shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28706. Any frozen food locker plant using a toxic gas re- Gas mask
frigerant shall have at least one gas mask of a type approved
by the department and shall keep the same where it will be
readily accessible.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28707. All rooms of a frozen food locker plant shall at all Sanitation
times be maintained in a clean and sanitary condition. All
equipment and utensils shall be cleaned when put into use and
shall be thoroughly cleaned after each day's use and shall be so
stored or protected as not to become contaminated. Lockers shall
be thoroughly cleaned before they are leased or put into the pos-
session of any patron. The premises and surroundings of such
plants shall be maintained in a clean and sanitary condition.
The food stored shall be protected from filth, flies, dust, dirt,
insects, vermin and any other contamination and from any
unclean or filthy practice in the handling thereof or caring
therefor. No food shall be stored in such condition or in such
manner as to cause injury to or deterioration of articles of food
in adjacent lockers.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28708. Frozen food locker plants shall have an ample water Water
and toilet
facilities
supply readily available and the water that comes in contact
with any food product or the equipment shall be uncontami-
nated. Such plants shall be provided with adequate toilet faci-
ties so located as to be readily accessible to employees and
equipped with adequate washing fixtures or have such fixtures
or facilities convenient thereto and shall be supplied with run-
ning water, single soap and single towel service. The doors of
all toilet rooms shall be full length and self-closing and no
toilet room shall open directly into any room in which foods
are prepared, processed, chilled, frozen or stored. Toilet faci-
ties and rooms shall be kept in a clean and sanitary condition.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28709. The director shall publish and declare such reason- Rules and
regulations
able rules and regulations as are consistent with the enforce-
ment of the provisions of this chapter providing for adequate
cleanliness and sanitation to protect public health.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28710. The refrigeration system for a frozen food locker Refriger-
ation system
plant shall be equipped with reliable controls for the main-
tenance of uniform temperatures as required in the various
refrigerated rooms and shall be of adequate capacity to pro-
vide under extreme conditions of outside temperature and
activity of the plant, the following temperatures in the several
rooms, respectively:

(a) In pre-cool, chill, or aging rooms, temperatures shall be
commensurate with good commercial practice.

(b) In locker rooms, temperature shall not exceed plus five (5) degrees Fahrenheit, with customary commercial variations.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to operating conditions beyond the control of the operator.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Freezing
of meat

28710.5. Prior to the delivery to the consumer, all meat or meat products shall be sharp frozen at a temperature of minus 10 degrees Fahrenheit in still air or zero degrees Fahrenheit in blast air. This section shall not apply to the sale of retail cuts of meat.

(Added by Stats. 1959, Ch. 1625.)

Ther-
mometers

28711. Thermometers in good order shall be provided in all rooms held under low temperature at locations therein which will reflect true storage temperatures of foods in such rooms.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Facilities:
Minimum

28712. No frozen food locker plant shall be licensed under this chapter unless the following facilities are provided:

Sufficient chill or aging room space, freezing facilities, locker room, and facilities for cutting, preparing, wrapping and packaging meats and meat products, except that storage locker plants and branch locker plants need install only locker room facilities as specified in Section 28710.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Branch
plants

28713. A branch plant may be operated only in conjunction with a parent locker plant which shall have processing facilities sufficiently large for the locker plant and all branch plants.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28714. (Added by Stats. 1951, Ch. 1594; repealed by Stats. 1957, Ch. 205. See note following Section 112.)

Fish and
game storage

28715. Storage of fish and game by patrons shall comply with federal and state fish and game laws. All pertinent abstracts of state and federal fish and game regulations shall be furnished by the department and shall be conspicuously displayed in the locker plant.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Records

28716. Every operator of a frozen food locker plant, shall keep a record showing names and addresses of renters of lockers and such records shall be available for examination by the Director of the Department of Agriculture or his representatives, or the State Department of Public Health or its representatives, during business hours of such plants.

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1955, Ch. 709. See note following Section 28700.)

28717. Only food for human consumption, or clean, sanitary byproducts therefrom to be used for food, shall be stored in the frozen food locker plant. Each package of food wrapped and frozen for storage shall be labeled designating the product and identifying the processor. Products stored

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1959, Ch. 1625. See note following Section 28700.)

28718. The person owning or operating a frozen food locker plant shall have a lien upon all property therein for all charges due from the owner of such property. Such lien may be secured and enforced in the same manner as warehousemen's liens are secured and enforced. Lien for charges

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28719. Operators of frozen food locker plants operating solely as such shall not be construed to be warehousemen or public utilities, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their locker business be construed to be warehouse receipts or subject to the laws applicable thereto. Application of provisions

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28720. Cold storage or refrigerating warehouses subject to Chapter 5 of this division shall be exempt from the licensing provisions of this chapter. Cold storage warehouses

(Added by Stats. 1951, Ch. 1594; amended by Stats. 1955, Ch. 709. See note following Section 28700.)

28721. The department, after notice and hearing, may revoke the license issued for any frozen food locker plant for failure to comply with the provisions of this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein. License revocation: Hearing

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28722. In the event the director suspends or revokes any license, the licensee may obtain judicial review of such order by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure in the superior court of the county in which the licensed premises are located within thirty (30) days from the date notice in writing of the director's order revoking or suspending such license has been served upon said licensee. Judicial review

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

28723. The liability of the owner or operator of lockers for loss of goods in lockers or in the owner's or operator's care shall be limited to negligence of the owner or operator or his employee. Liability of owners

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Correction,
etc., of
rules and
regulations

28724. Upon the signed petition of at least 25 owners or operators of frozen food locker plants licensed under this chapter, the director shall within 10 days after receipt of said petition, cause to be held at such places and at such times as he may provide, a public hearing for the purpose of gathering facts and data for the revision, correction or amendment of any rule or regulation issued pertaining to this chapter.

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Short title

28725. This act shall be known as the "Frozen Food Locker Plant Act of 1951."

(Added by Stats. 1951, Ch. 1594. See note following Section 28700.)

Penalty

28726. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

(Added by Stats. 1955, Ch. 709.)

DIVISION 22. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

CHAPTER 1. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29000. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29001. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993, by Stats. 1951, Ch. 1358, and by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29002. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29003. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29003.5. (Added by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29003.6. (Added by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29004. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29005. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29006. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29007. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29008. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29009. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29010. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29011. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29012. (Added by Stats. 1949, Ch. 993; amended by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29013. (Added by Stats. 1949, Ch. 993; amended by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29014. (Added by Stats. 1949, Ch. 993; amended by Stats. 1951, Ch. 1358, and by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29015. (Added by Stats. 1951, Ch. 1201; repealed by Stats. 1955, Ch. 550.)

29015.1. (Added by Stats. 1951, Ch. 1358; amended by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

CHAPTER 2. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29020. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993, and by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29021. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1951, Ch. 1358; repealed by Stats. 1955, Ch. 550.)

29022. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1947, Ch. 648, by Stats. 1949, Ch. 993, and by Stats. 1953, Ch. 773; repealed by Stats. 1955, Ch. 550.)

29023. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993; repealed by Stats. 1955, Ch. 550.)

29024. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29025. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29026. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; amended by Stats. 1949, Ch. 993, and by Stats. 1951, Ch. 1368; repealed by Stats. 1955, Ch. 550.)

29027. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29028. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29029. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29030. (Added by Stats. 1947, Ch. 648; repealed by Stats. 1955, Ch. 550.)

29031. (Added by Stats. 1947, Ch. 648; amended by Stats. 1949, Ch. 993; repealed by Stats. 1955, Ch. 550.)

29040. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29041. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29042. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

29043. (Added by Stats. 1945, Ch. 1193 and Ch. 1196; repealed by Stats. 1955, Ch. 550.)

DIVISION 23. HOSPITAL DISTRICTS

(Division 23 added by Stats. 1945, Ch. 932)

NOTE: Stats. 1947, Ch. 18, which amended, repealed and added various sections of this division, also contained this section:

SEC. 16. (a) All local hospital districts heretofore organized and functioning under, or under color of The Local Hospital District Law, are hereby declared to have been legally organized and to be legally functioning as such districts. Every such district shall have all the rights, powers and privileges and be subject to all the duties and obligations of such a district regularly formed pursuant to law.

(b) The boundaries of every local hospital district as heretofore established, defined or recorded are hereby confirmed, validated and declared legally established.

(c) All acts and proceedings heretofore taken by any local hospital district under any law, or under color of any law, for the issuance or sale of bonds of such district for any public purpose are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings heretofore done or taken in connection with any election upon the question of the issuance, sale or exchange of such bonds. All such bonds heretofore issued, or heretofore authorized to be issued, when hereafter issued in substantially the form contemplated in such authorization shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the district.

(d) This section shall be limited to the correction of defects, irregularities and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken.

(e) This section shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

CHAPTER 1. FORMATION OF DISTRICT

(Chapter 1 added by Stats. 1945, Ch. 932)

"The Local
Hospital
District
Law"

32000. This division shall be known and may be cited as "The Local Hospital District Law."

(Added by Stats. 1945, Ch. 932.)

Organization,
etc.

32001. A local hospital district may be organized, incorporated and managed, may annex or exclude territory, or consolidate with other such districts or may be dissolved, as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided; provided, that land either in a municipal corporation or in unincorporated territory which the supervising authority finds will not be benefited shall not be included.

Territory
included

Where territory has been excluded from a local hospital district by a supervising authority or by a governing body, it shall not thereafter, in the absence of a finding based upon substantial evidence of changed conditions with respect thereto, be included or annexed. Territory excluded

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 430, by Stats. 1949, Ch. 1075, by Stats. 1953, Ch. 567, and by Stats. 1955, Ch. 1525.)

32002. The manner of formation of local hospital districts, the conducting of elections, the annexation and exclusion of territory and the consolidation and dissolution of such districts unless otherwise provided herein shall be as in the manner provided by Chapter 1, Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. For the purposes of said chapter, the requisite number of petitioners or protestants in a proceeding for the exclusion of territory from the district shall be, unless otherwise prescribed in this division, 15 percent of the total number of registered voters in the territory affected by the petition or proposal but not less than 15, such number to be determined by the clerk as of the date that he affixes his certification to the petition. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the State Department of Public Health stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, upon the following facts: Formation procedure

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the State Department of Public Health shall furnish its findings regarding (a) and (b).

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 1209, by Stats. 1953, Ch. 567, and by Stats. 1955, Ch. 1568.)

32002.1. Not less than 30 days prior to the time of any district election, the governing body of the district shall, by resolution entered on its minutes: Resolution:

(a) State the time of the election, the hours during which the polls will be open, and the purpose for which the election is held. Time of election, etc.

(b) Prescribe the manner of voting and the form of ballot to be used.

(c) Designate a polling place for each precinct and appoint for each precinct an election board consisting of at least one Polling place

inspector, one judge and two clerks, selected from the electors of the district.

Notice to
electors

(d) Order the secretary to mail notice of appointment to each election officer, and notice of polling place and sample ballot to each qualified elector of the district.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1953, Ch. 750.)

32002.2. (Added by Stats. 1949, Ch. 1209; amended by Stats. 1951, Ch. 756; repealed by Stats. 1953, Ch. 750.)

Publication
of notice

32002.3. Except as otherwise provided in this division, notice of all district elections shall be given by publishing the notice calling the election not less than once a week for two successive weeks before the election in a newspaper published in the district, if there is one, but, if none, then in a newspaper published in the county. Said notice need only specify the time and place of the election, the hours during which the polls will be open, and the officers to be elected and the propositions to be voted upon.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1957, Ch. 634.)

Application
of law

32002.4. No notice of the election, other than the notice prescribed in Section 32002.3, need be given and Section 58171 of the Government Code shall not apply to hospital district elections.

(Added by Stats. 1953, Ch. 750.)

Filing of
statement,
etc.

32002.5. Notwithstanding the provisions of Section 54902 of the Government Code, local hospital districts formed under this division may file the statement and map or plat required by Section 54902 of the Government Code on or before March 1, 1957, for the Fiscal Year 1957-1958.

(Added by Stats. 1957, Ch. 5. In effect January 31, 1957.)

Petition

32003. Whenever the formation of a local hospital district is desired, a petition may be presented at a regular meeting of the supervising authority of the county in which the land, or a greater portion of the land, in the proposed district is situated, said petition to be signed by the registered voters residing within the boundaries of the proposed district, equal in number to at least 15 percent of the number of votes cast in said proposed district for the office of Governor at the last preceding election at which a Governor was elected. The number of written protests required to terminate the proceedings shall be a majority of the registered voters residing in the proposed district.

Declaration
of organ-
ization

If a majority of all the votes cast in the proposed district are in favor of organization, the supervising authority by resolution entered on its minutes shall declare the district duly organized under this act, shall give the name of the district as theretofore designated and shall describe the boundaries of such district. The county whose supervising authority declares the district organized shall be designated the "organizing county."

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 15 percent of the number of votes cast in that territory for the Office of Governor at the last preceding election at which a Governor was elected. If upon the hearing held upon the petition, the governing body subject to the provisions of Section 32001 of this code deems it for the best interest of the district that said territory, or part thereof, be annexed, it shall call and hold an election within the territory or area proposed to be annexed, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in said territory, be in favor of annexation, the district governing body may by resolution declare the territory annexed and shall describe the altered boundaries of the district; or such district governing body may, by resolution, order and call an election within the district to submit to the electors thereof the question of the annexation of the territory proposed to be annexed to such district. (Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 1322, and by Stats. 1955, Ch. 1525.)

Annexation
of territory

32004.1. As an alternative procedure to that prescribed in Section 32004, territory may be annexed without an election in the territory proposed to be annexed when the required petition has been signed by owners of the real property in the territory proposed to be annexed representing at least 60 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll and at least 60 percent of the number of parcels of land within the territory. The petition shall in addition to the matters required by Section 32004 show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

Alternative
procedure

(Added by Stats. 1949, Ch. 1209.)

32004.3. Upon filing of the petition for annexation, the governing body shall fix a time and place for the hearing thereof and shall cause a notice to be published, containing

Notice of
hearing

- (a) The date of filing of the petition.
- (b) The number of signers to the petition.
- (c) A description of the location or boundaries of land described in the petition.

- (d) The prayer of the petition.

- (e) The time and place fixed for the hearing thereof.

- (f) Statements to the effect that all persons interested in or affected by such change in the boundaries of the district may appear and show cause why such change should not be made and written requests for not including all or any portion of the territory proposed to be annexed will be heard and considered.

The notice shall be published pursuant to Section 6066 of the Government Code prior to the date set for the hearing in

Publication

a newspaper of general circulation published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1955, Ch. 1525, and by Stats. 1957, Ch. 357.)

Annexation
of territory

32004.4. If upon the hearing of the petition the governing body of the district determines subject to the provisions of Section 32001 of this code that the best interest of the district will be served by annexing such territory, or part thereof, and if no protest as hereinafter provided is made against such annexation, the governing body may annex the territory described in the petition, or any portion thereof without an election in the district. If protests to the annexation are made to the governing body by registered voters residing within the district equal in number to at least 5 percent of the number of votes cast in the district for the Office of Governor at the last preceding election at which a Governor was elected or if protests to the annexation are made by a similar percentage of the number of votes cast in the area proposed to be annexed for the Office of Governor at the last preceding election at which a Governor was elected, or in the event the governing board determines that the best interests of the district will be served by holding an election, in either the district or in the territory proposed to be annexed or in both, such election shall be called and held within the district or in the territory proposed to be annexed or in both, to decide whether or not such proposed annexation to the district shall take place. If such an election is required, the annexation may be completed only if a majority of the votes cast within the area in which the election is held are in favor of annexation.

Protests

Election

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1955, Ch. 1525.)

Fixing of
boundaries

32004.5. Upon the final hearing of the petition, the governing board of the district shall fix the boundaries of the territory proposed to be annexed and the time, not less than sixty days from date of the order, for holding any election that may be required.

(Added by Stats. 1949, Ch. 1209.)

Resolution

32004.6. If a majority of votes cast within the area in which the election is held, and in both the district and the territory proposed to be annexed if an election is held in both areas, are in favor of annexation, or, if no election is required and the governing body determines subject to the provisions of Section 32001 of this code that such annexation is for the best interests of the district, it shall, by resolution entered in its minutes, declare the territory annexed and shall describe the altered boundaries of the district. A certified copy thereof shall be recorded in the office of the county recorder, and filed

Recording

with the county assessor, county engineer, the State Board of Equalization and the Secretary of State.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1955, Ch. 1525, and by Stats. 1959, Ch. 504.)

32004.7. A petition for exclusion of land from any local hospital district shall be signed by registered voters residing within the territory proposed to be excluded, equal in number to at least 15 percent of the number of votes cast in that territory for the Office of Governor at the last preceding election at which a Governor was elected, but not fewer than 200; provided, however, that no land shall be excluded hereunder from a district if the exclusion would result in (a) the reduction of the assessed valuation of all property in the district below the assessed valuation of all of the property in the district at the time of its formation or, if a hospital has been constructed by the district, at the date patients are first treated therein, or (b) the reduction of the population of the district below the population of the district at the time of its formation or, if a hospital has been constructed by the district, at the date patients have been first treated therein. The population estimate shall be determined on the same basis as the estimate prepared for the State Department of Public Health for hospital service areas. If upon the hearing held upon the petition the governing body determines that the petition is sufficient, that the residents of the area will not be substantially benefited by the operations of the district, and that the exclusion is for the best interests of the district, it shall by resolution declare the territory excluded and shall describe the altered boundaries of the district. If, however, the governing body determines that the petition is sufficient, but that the residents of the area will be benefited by the operations of the district or that the exclusion is not for the best interest of the district, it shall call and hold an election within the territory or area proposed to be excluded, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed exclusion shall take place. If a majority of the votes cast at such election, in said territory, be in favor of exclusion, the district governing body shall by resolution declare the territory excluded and shall describe the altered boundaries of the district.

Petition for
exclusion

Determina-
tion

Election

(Added by Stats. 1955, Ch. 441.)

32004.8. The hearing, notice, election, fixing of boundaries, declaration of exclusion by resolution, and recording and filing of the resolution, unless otherwise provided in Section 32004.7, shall be as in the manner provided by Sections 32004.3, 32004.4, 32004.5, and 32004.6 relating to annexation of territory.

Procedure

(Added by Stats. 1955, Ch. 441; amended by Stats. 1957, Ch. 660, and by Stats. 1959, Ch. 504.)

Liability of
excluded
area

32004.9. Any area excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the area as fully as though the area had not been excluded. All provisions which could be used to compel the payment by an excluded area of its portion of the outstanding obligations had the exclusion not occurred may be used to compel the payment on the part of the area of the portion of the outstanding obligations of the district for which it is liable.

(Added by Stats. 1955, Ch. 441.)

Same

32004.91. An excluded area is not subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the governing body of the district of the petition for the exclusion of the area from the district.

(Added by Stats. 1955, Ch. 441.)

Alternative
procedures

32004.92. The exclusion procedures provided by Section 32004.7 through Section 32004.91 are in the alternative to the exclusion procedures contained in Section 32002 and Chapter 5 of this division.

(Added by Stats. 1955, Ch. 441.)

Dissolution
procedure:
Election

32005. Upon the filing of a petition with the board of hospital directors signed by 10 percent of the qualified electors in the district, the board of hospital directors shall submit the question of dissolution of the district to the district electors; provided, the following conditions exist:

(a) The district has been organized for at least two years.

(b) The district has no hospital or bonded debt.

(c) Two succeeding district bond issues, next preceding submission of the question of the district's dissolution to the voters, were defeated at elections.

(Added by Stats. 1953, Ch. 531.)

Same:
Resolution

32005.5. The board of hospital directors may by resolution adopted by a four-fifths vote, and without an election, dissolve the district, notwithstanding the provisions of Section 32005, if the following conditions exist:

(a) The district has been organized at least five years.

(b) The district has no hospital, no bonded debt, and no property of any kind except cash.

(c) The district board by resolution finds and determines that construction of a district hospital is unnecessary.

Pursuant to this section the district shall be dissolved for all purposes upon compliance with Section 32007.

(Added by Stats. 1959, Ch. 165.)

Election

32006. The election shall be conducted as near as may be in the manner provided in Article 10 of Chapter 1 of Title 6 of the Government Code. If a majority of the voters favor dissolution, the board shall by resolution dissolve the district.

(Added by Stats. 1953, Ch. 531.)

Resolution
of dissolution

32007. The board of hospital directors shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder of each of the coun-

ties in which any part of the district is situated. Thereupon the district is dissolved for all purposes.

(Added by Stats. 1953, Ch. 531.)

32008. The board of hospital directors is, ex officio, the governing body of any dissolved district, and it may perform all acts necessary to wind up the affairs of the district.

Dissolved
district:
Governing
body

(Added by Stats. 1953, Ch. 531.)

32009. When a district is dissolved its board of hospital directors shall convert all property of the district to cash and discharge all indebtedness of the district. All funds remaining after discharge of the district's indebtedness shall, in the event the entire district consists of unincorporated territory, be deposited in the county treasury to the credit of the County General Fund. If the district consists entirely of incorporated territory of one city, said remaining funds shall vest absolutely in said city. If the district consists of incorporated territory of two or more cities or unincorporated territory and incorporated territory of one or more cities, said remaining funds shall be vested in the county and in the city or cities within the district, in the same proportion as their respective current total assessed valuations within the district bear to the total current assessed valuation of the entire district.

Disposition
of property,
etc.

(Added by Stats. 1953, Ch. 531; amended by Stats. 1959, Ch. 164.)

32010. Any district may be dissolved pursuant to Article 10 of Chapter 1 of Title 6 of the Government Code in lieu of the procedure provided in Sections 32005 to 32009, inclusive.

Application
of law

(Added by Stats. 1953, Ch. 531.)

32011. Any interested person may obtain a judicial declaration as to the validity of the dissolution of a district.

Validation

(Added by Stats. 1953, Ch. 531.)

CHAPTER 2. BOARD OF DIRECTORS

(Chapter 2 added by Stats. 1945, Ch. 932)

Article 1. Election and Organization

(Article 1 added by Stats. 1945, Ch. 932)

32100. The elective officers of a local hospital district shall be a board of hospital directors consisting of five members, each of whom shall be a registered voter residing in the district and whose term shall be four years, with the exception of the first board. The first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. Upon their appointment, the first board so appointed shall so classify themselves by lot that two members thereof shall go out of office the first Tuesday in January next following the election or appointment if no election is held and qualification of their successors as herein provided, and three members will go out of office two

Board of
hospital
directors

years thereafter. Any vacancy upon said board shall be filled by appointment by the remaining members of said board of directors. Any person appointed to fill such vacancy shall hold office for the unexpired term.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18, by Stats. 1949, Ch. 1322, and by Stats. 1959, Ch. 1095.)

Petition

32100.1. A petition for election of directors by zones may be signed and filed with the board of directors by registered voters residing within a local hospital district, equal in number to at least 15 percent of the number of votes cast in that district for the Office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall, by resolution, divide the local hospital district into five zones and number the zones consecutively from 1 to 5. In establishing these zones the board of directors shall provide for representation in accordance with population and geographic factors of the entire area of the local hospital district. The board of directors shall fix the time and place for a hearing on the proposed establishment of zones. At this hearing any elector of the district may present his views and plans in relation to the proposed zoning, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

Division
into zones

Hearing

After the hearing and final determination by the board of directors the board shall then prepare a measure to be printed on the ballots used at the next general hospital district election, or at a special election to be held for that purpose. The measure shall be printed on the ballots substantially as follows:

Printing of
measure

“Shall members of the board of directors be elected by zones, as described in the resolution of the board of directors dated _____?”, with the words “Yes” and “No” so printed in connection therewith that the voters may express their choice.

Canvass

The returns of such election shall be canvassed and declared as at other general hospital district elections, and if it appears that a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare the zones established and shall describe the boundaries of the zones. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by zones. If, at the expiration of said terms of office, three members of the board of directors are to be elected, those three members shall be elected from the zones designated by odd numbers; if two members are to be elected, those two members shall be elected from zones designated by even numbers.

Election of
members

One member of the board of directors shall be elected by the electors of each of the zones. No person shall be eligible to hold the office of member of the board of directors unless he shall have resided in the zone from which he is elected for 90 days next preceding the date of the election.

The formation of a local hospital district may provide for the election of members of the board of directors by zones as above provided for by substantially including in the petition for formation the provisions hereinabove required to be included in such measure, in which event it shall not be necessary to hold the election above provided for, and the members of the board of directors shall be elected from the zones as described in said petition, except that the first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. One member shall be appointed from each zone.

The terms of the members of the first board of directors appointed under the provisions of this section shall be determined as follows: Terms of members

The members appointed from the zones designated by odd numbers in the petition shall hold office for four years and the members appointed from the zones designated by even numbers in the petition shall hold office for two years. Thereafter, the term of office for all members shall be four years.

Any vacancy upon the board shall be filled by appointment by the board of supervisors of the county, from the zone left unrepresented on the board of directors. Any person appointed to fill such vacancy shall hold office only until a successor, to serve for the remainder of such unexpired term, has been elected at the next regular hospital district election and has qualified. Vacancies

(Added by Stats. 1949, Ch. 1322.)

32100.3. Not less than ninety days prior to the day fixed for the hospital district general election, the secretary shall publish at least once, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation in the county, a notice stating the date of the election and the number of offices to be filled at said election, together with a statement that nominations for said offices may be filed with him on forms to be supplied by the district not later than sixty-five days prior to the election. Notice

(Added by Stats. 1949, Ch. 1024.)

32100.4. If, on the sixty-fifth day prior to the day fixed for the hospital district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the hospital district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, Election

to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a hospital district general election.

Notices In such instances notices shall be posted in three public places in the district at least ten days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

(Added by Stats. 1949, Ch. 1024.)

**Election:
When held**

32100.5. An election which shall be known as the hospital district general election, shall be held in each local hospital district on the third Tuesday in November or on the first Tuesday after the first Monday in November in each even-numbered year, as the board of directors shall determine, at which a successor shall be chosen to each officer whose term shall expire on the first Tuesday of January following such election, except that upon consent granted prior to August 1st of the even-numbered year by the board of supervisors of the county in which the district or the greater portion thereof is located, said election may be consolidated with the next following November general election, unless the board of directors has dispensed with said election as provided in Section 32100.4 of this code.

The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected, shall be four years, or until his successor is elected and has qualified.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1953, Ch. 157.)

Recall

32100.6. All or any of the members of the board of directors may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 of Division 13 of the Elections Code.

(Added by Stats. 1953, Ch. 562.)

**Other
procedure**

32100.8. In all other respects each hospital district general election shall be conducted in the manner provided by Division 2 of the act cited in Section 32002 of this code.

(Added by Stats. 1949, Ch. 1209.)

Electors

32101. All registered voters residing within the territory comprising a district organized under this division are qualified electors.

(Added by Stats. 1945, Ch. 932.)

**Organization
of board**

32102. The board of hospital directors shall meet on the first Monday subsequent to 30 days after the completion of organization of the district and shall organize by the election of one of their members as president and one as secretary.

(Added by Stats. 1945, Ch. 932.)

32103. The members of the board of directors shall serve without compensation except that each shall be allowed his actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board.

Compensation of members

(Added by Stats. 1945, Ch. 932.)

32104. The board of directors shall provide for the time and place of holding its regular meetings and the manner of calling the same, and shall establish rules for its proceedings and may adopt such rules and regulations not inconsistent with law as may be necessary for the exercise of the powers conferred and the performance of the duties imposed upon the board.

Rules and regulations

(Added by Stats. 1945, Ch. 932.)

32105. Special meetings may be called by three directors and notice of the holding thereof shall be mailed to each member at least 48 hours before the meeting.

Special meetings

(Added by Stats. 1945, Ch. 932.)

32106. All of the sessions of the board of directors, whether regular or special, shall be open to the public, and a majority of the members of the board shall constitute a quorum for the transaction of business.

Public meetings

Quorum

(Added by Stats. 1945, Ch. 932.)

32108. Any director or officer of the district who is in any manner interested in any contract awarded or to be awarded by the board, or in the profits to be derived from the contract, is guilty of a misdemeanor. Conviction shall also work a forfeiture of his office.

Interest of director or officer in contracts

A director or officer shall not be deemed to be interested in a contract within the meaning of this section, or in the profits to be derived therefrom, solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such director or officer.

(Added by Stats. 1951, Ch. 536; amended by Stats. 1957, Ch. 842.)

32109. Each candidate for election to the board of directors shall prepare and file a campaign statement in the manner prescribed in Chapter 1 (commencing at Section 4500) of Division 7 of the Elections Code if the lawful receipts and expenses of his campaign exceed two hundred dollars (\$200).

Campaign statement

(Added by Stats. 1959, Ch. 74.)

32110. No person possessing any property interest greater than 5 percent in, or owning more than 5 percent of the stocks, bonds, or other securities issued by, any private hospital serving the same area served by the district, or who is a

Eligibility restrictions

director or other officer of any such private hospital, shall be eligible for or hold any district office, either as a member of the board or otherwise. The possession or ownership of such interest, stocks, bonds, or other securities by the spouse or minor children of any person shall be deemed, for the purposes of this section, to be the possession or interest of such person.

This section does not apply to any person who is a member of the board of directors of a local hospital district on the effective date of this section, except in respect to his eligibility for, or his holding of membership on, the board of directors for any term subsequent to that for which he is serving on that date.

(Added by Stats. 1959, Ch. 1602.)

Article 2. Powers

(Article 2 added by Stats. 1945, Ch. 932)

Powers of districts

32121. Each local hospital district shall have and exercise the following powers:

(a) To have and use a corporate seal and alter it at pleasure;

(b) To sue and be sued in all courts and places and in all actions and proceedings whatever;

(c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district;

(d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district;

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the district as the board may direct; and to call upon the district attorney of the county in which the greater part of the land in the district is situated for legal advice and assistance in all matters concerning the district, except that if that county has a county counsel, the directors may call upon the county counsel for such legal advice and assistance.

(g) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district;

(h) To prescribe the duties and powers of the hospital administrator, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all

such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

(i) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(j) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(k) To do any and all other acts and things necessary to carry out the provisions of this division.

(l) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 964, by Stats. 1951, Ch. 536, by Stats. 1953, Ch. 1208, and by Stats. 1957, Ch. 641.)

32121.1. By resolution, the board of directors of a local hospital district may delegate to its administrator the power to employ (subject to the pleasure of the board of directors), and discharge, such subordinate officers and employees as are necessary for the purpose of carrying on the normal functions of any hospital operated by the district.

Employment
of officers and
employees

(Added by Stats. 1957, Ch. 640.)

32122. The board of directors may purchase all necessary surgical instruments and hospital equipment and equipment for nurses' homes and all other property necessary for equipping a hospital and nurses' home.

Instruments
and equip-
ment

(Added by Stats. 1945, Ch. 932.)

32123. The board of directors may purchase such real property, and erect or rent and equip such buildings or building, room or rooms as may be necessary for the hospital.

Real
property

(Added by Stats. 1945, Ch. 932.)

32124. The board of directors may establish a nurses' training school in connection with the hospital, prescribe a course of study for such training and after the completion of the course, provide for the issuance of diplomas to graduate nurses.

Nurses'
training
school

(Added by Stats. 1945, Ch. 932.)

32125. The board of directors shall be responsible for the operation of all hospitals owned or leased by the district, according to the best interests of the public health and shall make and enforce all rules, regulations and by-laws necessary for the administration, government, protection and maintenance of hospitals under their management and all property belonging thereto and may prescribe the terms upon which patients may be admitted thereto; provided, that such hospitals shall not contract to care for indigent county patients at below the cost for care. In fixing the rates the board shall, insofar as possible, establish such rates as will permit the hospital to be operated upon a self-supporting basis. The board may establish different rates for residents of the district than for persons who do not reside within the district. Minimum

Administra-
tion, etc.

standards of operation as prescribed in this article shall be established and enforced by the board of directors.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 919, and by Stats. 1955, Ch. 1936.)

Operation
through
lease
agreements

32126. The board of directors may provide for the operation and maintenance through tenants of the whole or any part of any hospital acquired or constructed by it pursuant to this division, and for such purpose may enter into any lease agreement which it believes will best serve the interest of the district; provided, that any such lease entered into for the operation of any hospital shall require the tenant or lessee to conform to and abide by each and all of the provisions of Section 32128 of this article. No such lease shall run for a term in excess of ten (10) years.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1949, Ch. 919.)

Treasury

32127. The hospital district shall establish its own treasury and shall appoint a treasurer charged with the safekeeping and disbursal of the funds in the treasury of the district. The board of directors shall fix the amount of the bond to be given by such treasurer and shall provide for the payment of the premium therefor out of the maintenance and operation fund.

Funds

All moneys derived from that portion, if any, of the annual tax or assessment levied for capital outlay purposes shall be placed in the capital outlay fund. Any moneys derived from a special tax or assessment levied under Article 3 of Chapter 3 hereof shall be placed in a special assessment fund and shall be used exclusively for the purposes for which such special tax or assessment was voted.

All moneys derived from the regular annual tax or assessment provided in Article 1, Chapter 3 hereof, except any part thereof levied for capital outlay purposes, shall be placed in the maintenance and operation fund. All receipts and revenues of any kind from the operation of the hospital shall be paid daily into the treasury of said district and placed in the maintenance and operation fund. Moneys in the maintenance and operation fund may be expended for any of the purposes of the district; provided, however, that no such moneys may be expended for new construction of additional patient bed capacity other than as authorized by Section 32221 hereof. Whenever it appears that the sum in the bond interest and sinking fund will be insufficient to pay the interest or principal of bonds next coming due and payable therefrom, a sum sufficient to pay such principal and interest shall be transferred by the board of directors from the maintenance and operation fund to said bond interest and sinking fund.

Transfers

Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the treasurer thereof only on written order signed by the president and countersigned by the secretary. The treasurer shall keep such order as his voucher and shall keep accounts of all receipts into the district treasury and all disbursements therefrom.

Where bonds of the district are payable at the office of the district, all receipts from taxes levied to pay the principal and interest of such bonds shall be paid into the treasury of the district, and the treasurer of the district shall pay therefrom the principal and interest of such bonds. Bond
payments

Where bonds of the district are payable at the office of the county treasurer of the organizing county, at the option of the holder, or otherwise, all receipts from taxes levied to pay principal and interest of such bonds shall be paid into the treasury of the organizing county and shall be placed by the county treasurer in the bond interest and sinking fund of the district, and he shall pay the principal and interest of such bonds therefrom and shall keep an account of all moneys received into and paid out of said fund.

Any moneys in the treasury of the district and any moneys of the district in the bond interest and sinking fund of the district in the treasury of the organizing county may be deposited in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of cities or counties in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks, and with like force and effect. The board of directors of the district are authorized to create a revolving fund which fund shall not exceed the sum of 10 percent of the estimated annual expenditures of the district at any one time and which shall be used for the purpose of paying the interim expenses of the operation of any hospital within the district without the necessity of a written order signed by the president and countersigned by the secretary as provided herein. The treasurer is authorized to deposit said fund in such bank or banks in the county as may be authorized to receive deposits of public funds in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks and with like force and effect, and shall be subject to withdrawal upon the signature of the treasurer, or such other official of the district as may be authorized by the board of directors, for the use and purpose provided for herein. Deposits

Revolving
fund

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1951, Ch. 889, and by Stats. 1955, Ch. 1936.)

32127.5. On January 1, 1956, all funds on hand in the treasury of the district may, at the discretion of the board of directors of the district, be paid over to the county treasurer of the county in which the district was organized, in which case and from and after that date the functions of the district treasurer shall be performed by the county treasurer. Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the county treasurer for Deposit in
county
treasury, etc.

purposes of the district upon warrants issued by the county auditor on orders signed by the president of the district and countersigned by the secretary of the district.

(Added by Stats. 1955, Ch. 1298.)

Rules 32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons and dentists licensed to practice in this State who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and by-laws and with staff appointments on an annual basis; 2. Provision that membership on the medical staff shall be restricted to physicians and surgeons competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet at least once in each month and review and analyze at regular intervals their clinical experience; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5. Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health and welfare; provided, that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Minimum standards Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain, minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

(Added by Stats. 1949, Ch. 919; amended by Stats. 1955, Ch. 1296.)

May not render professional services 32129. Local hospital districts shall not have power or authority to render or furnish any professional services as defined in Section 2007 of the Business and Professions Code, either directly or through persons employed by the district. Each hospital district shall comply with Section 2008 of the Business and Professions Code; provided, however, that the board of directors of a hospital district may contract with a physician and surgeon for the rendering of professional services in the hospital, under the direction or as requested by attending physicians of patients in the hospital, on such basis as does not

result in any profit or gain to the district from the professional services of such physician and surgeon.

(Added by Stats. 1947, Ch. 884.)

32130. The district may borrow money and incur indebtedness in anticipation of the estimated tax revenue and other income for the current year in which the indebtedness is incurred. Such indebtedness shall not exceed 50 percent of the total amount of the estimated tax revenue and other income for the current year.

Power to
incur in-
debtedness

The district is further authorized when funds shall be needed to meet current expenses of maintenance and operation, to borrow money on certificates of indebtedness or other evidence of indebtedness in an amount not to exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation of the district, said certificates of indebtedness to run for a period not to exceed five years and to bear interest not to exceed 5 percent per annum.

All such certificates of indebtedness or other evidence of indebtedness shall be issued after the adoption by a three-fifths vote of the board of directors of the district of a resolution setting forth the necessity for such borrowing and the amount of the assessed valuation of the district and the amount of funds to be borrowed thereon. All such certificates of indebtedness or other evidence of indebtedness shall be offered at public sale by the board of directors of the district after not less than 10 days advertising in a newspaper of general circulation within the district and if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the district; provided, however, that the rate of interest shall not exceed 5 percent per annum.

Certificates
of indebted-
ness

Such certificates of indebtedness or other evidences of indebtedness shall be signed on behalf of the district by the presiding officer and attested by the secretary of the board of directors of the district. The board of supervisors of the county in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said certificates of indebtedness or other evidences of indebtedness are paid or until there shall be a sum in the county treasury of said county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such certificates of indebtedness or other evidence of indebtedness, a tax sufficient to pay the interest on such certificates of indebtedness as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. Said tax shall be in addition to all of the taxes levied for district purposes and shall be placed in a certificate of indebtedness, interest and sinking fund of the dis-

trict and, until all of the principal of the interest and certificates of indebtedness is paid, the money in said fund shall be used for no other purpose than the payment of said certificates of indebtedness and accruing interest thereon.

Notwithstanding any limitation as to the amount, nature or purpose of any indebtedness or other obligations referred to in this section, a district may also incur obligations and indebtedness pursuant to and make all rental, purchase, and other payments provided for in any agreement entered into by it pursuant to Section 32135.

(Added by Stats. 1949, Ch. 1209; amended by Stats. 1951, Ch. 889, and by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

Borrowing
by first
board of
directors

32130.5. The first board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within two years from the date of borrowing with interest at a rate not to exceed 5 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section and Section 32130 during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor or auditors of the county or counties in which the district lies for the following fiscal year.

The provisions of Section 32130 are applicable in respect to any indebtedness incurred under this section to the extent that they are consistent with this section.

(Added by Stats. 1957, Ch. 426; amended by Stats. 1959, Ch. 1080.)

Borrowing
on accounts
receivable

32130.7. Any district with a hospital licensed to have 254 or more beds, which hospital is located within a county of 800,000 or more population, may borrow money up to 75 percent of the face value of its accounts receivable, and may pledge an equivalent percentage of such accounts receivable as the sole security for such loans. Public bids shall be solicited by not less than 10 days' advertising in a newspaper of general circulation within the district, or if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located.

Bids

Each such borrowing shall be from the bidder offering the lowest rate of interest. If, in the opinion of the district board, the lowest bid is excessive, it may reject all bids.

Any indebtedness so incurred shall be an obligation of the district.

This section shall remain in effect until October 1, 1961, but the termination of the effectiveness of this section shall not affect the validity of any loan, indebtedness, or obligation incurred, or any agreement entered into, pursuant to this section, prior to October 1, 1961. Duration

(Added by Stats. 1959, Ch. 309. In effect May 6, 1959.)

32131. The board of directors may maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration, and in connection therewith pay dues and fees thereto. Board's membership in associations, etc.

(Added by Stats. 1951, Ch. 277.)

32132. The board of directors shall let any contract involving an expenditure of more than two thousand five hundred dollars (\$2,500) for work to be done or for materials and supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids; provided, however, that the provisions of this section shall not apply to medical or surgical equipment or supplies or to professional services. Bids

Bids need not be secured for change orders which do not materially change the scope of the work as set forth in a contract previously made; provided, that such contract was made after compliance with bidding requirements, and such change orders do not total more than 5 percent of such contract.

As used in this section, "medical or surgical equipment or supplies" includes only equipment or supplies commonly, necessarily, and directly used by or under the direction of a physician and surgeon in caring for or treating a patient in a hospital.

(Added by Stats. 1955, Ch. 1836; amended by Stats. 1957, Ch. 631, and by Stats. 1959, Ch. 1096.)

32133. At least once each year the board shall engage the services of a qualified accountant of accepted reputation to conduct an audit of the books of the hospital and prepare a report. The financial statement of the district with the auditor's certification, including any exceptions or qualifications as part of such certification, shall be published in the district by the board pursuant to Section 6061 of the Government Code. Audit

(Added by Stats. 1955, Ch. 1836; amended by Stats. 1957, Ch. 357.)

32134. The effective date of any contract entered into for the construction and leasing of any hospital building or facilities shall be the date of execution of said lease notwithstanding the fact that said lease may be later amended. Effective date of contract

(Added by Stats. 1957, Ch. 539. In effect May 28, 1957.)

32135. Notwithstanding any other provision of law, any district which on March 1, 1958, has been in existence for not less than five years and has been operating a hospital for not less than four years, may enter into a negotiated written agree- Contracts

ment or amendment of an existing written agreement, whether or not such agreement was valid or binding at the time it was executed, with any nonprofit corporation formed under the laws of the State of California by individuals who are residents of such district. Each such agreement or existing written agreement as amended shall comply with the provisions of this section and shall be binding and enforceable for its stated term, notwithstanding the subsequent amendment, repeal or expiration of the effective period of this section. Any such agreement or existing written agreement as amended shall provide (1) that the district shall lease to said nonprofit corporation for a term of not to exceed forty (40) years, at such rental or for such other or additional consideration as the board of directors may deem proper, any real property owned by the district; (2) that said nonprofit corporation shall at its own expense construct or contract for the construction and financing of a building or buildings for hospital purposes of the district on said real property; (3) that the total cost of construction and financing of said building or buildings shall be determined by resolution adopted by the board of directors and accepted by said nonprofit corporation; (4) that said real property and said building or buildings shall be subleased to or otherwise made available for the use of the district during the term of said agreement or existing written agreement as amended, upon payment by the district of a rental or other consideration not exceeding, in the aggregate, the total cost of construction and financing of said building or buildings as determined by the board of directors, together with all other sums due or payable under the terms of said agreement or existing written agreement as amended, which rental or other consideration shall be payable monthly, quarterly or semiannually during the term of said agreement or existing written agreement as amended, beginning not later than the date on which said building or buildings shall first become available for occupancy by the district; and (5) that title to said real property and to said building or buildings shall vest in the district without the payment of any further consideration at the expiration of the term of said agreement or existing written agreement as amended, subject to compliance by the district with the terms and conditions of said agreement or existing written agreement as amended. Said agreement or existing written agreement as amended may provide such other terms and conditions as the board of directors may deem to be in the best interests of the district, including, without limiting the generality of the foregoing, one or more options permitting the district to purchase said building or buildings and the nonprofit corporation's leasehold estate under a ground lease during the term of said agreement or existing written agreement as amended at any time after the execution thereof at a price not exceeding the fair market value of said building or buildings or leasehold estate on the date of exercise of said option. Said agreement or existing written agreement as amended may provide that any

installments of rental theretofore paid by the district may be credited against said option price.

The provisions of Section 32132 shall not apply to any agreement or existing written agreement as amended entered into by any district pursuant to this section or to any construction contract for any building or buildings constructed or to be constructed pursuant to said agreement or existing written agreement as amended. The provisions of Section 32221 shall not apply to any sums paid or payable by a district pursuant to any such agreement or existing written agreement as amended.

This section shall remain in effect until January 1, 1959. Duration

(Added by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

32136. The board of directors may, without following the bidding provisions in Section 32132 hereof, let contracts for work to be done or for materials and supplies to be furnished, sold or leased to the district, if it first determines that an emergency exists warranting such expenditure due to fire, flood, storm, epidemic, or other disaster and is necessary to protect the public health, safety, welfare, or property. Emergency contracts

(Added by Stats. 1959, Ch. 1081.)

CHAPTER 3. ASSESSMENTS

(Chapter 3 added by Stats. 1945, Ch. 932)

Article 1. Annual Assessments

(Article 1 added by Stats. 1945, Ch. 932)

32200. Any district formed pursuant to this division may be financed by assessment on real and personal property within the district, pursuant to this chapter. Assessments on real and personal property

(Added by Stats. 1945, Ch. 932.)

32201. Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of directors of each local hospital district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year. In addition to such written estimate the board of directors of each local hospital district shall furnish to the board of supervisors for each tax year occurring after the second full fiscal year of actual hospital operations a certified copy of a resolution of said board of directors finding that the rates and charges made for services and facilities in the hospital on an over-all basis are comparable to charges made for similar services and facilities by the nonprofit hospitals operated within the hospital service area in which the district hospital is located. No such certificate need be furnished if there are no nonprofit hospitals in such service area. Such hos- Estimate of amounts
Statement of rates and charges

pital service area shall be as from time to time delineated by the State Department of Public Health.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1955, Ch. 1935.)

Tax levy

32202. The board of supervisors shall thereupon levy upon the taxable property of the district within its own county a tax sufficient in amount to maintain the district but not to exceed the twenty-cent (\$0.20) limit provided in Section 32203 and, in addition, a tax sufficient to pay the interest on all outstanding bonds of said district as the same becomes due, and also to constitute a sinking fund for the payment of the principal thereof at maturity, and a tax sufficient to pay rentals and all other sums due or payable under any agreement for the construction and leasing or purchasing of any hospital buildings or facilities entered into by the district pursuant to Section 32135 prior to January 1, 1959. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within said district as shown upon the last assessment rolls of the said counties, and the estimates apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

Apportionment

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1957, Ch. 539, and by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

Tax limitation

32203. The tax, exclusive of the levy for the payment of the principal and interest of bonds and any special assessment voted hereunder, and exclusive of the levy for the payment of rentals and all other sums due or payable under any agreement for the construction and leasing or purchasing of any hospital buildings or facilities entered into by the district pursuant to Section 32135 prior to January 1, 1959, shall in no case exceed the rate of twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18, by Stats. 1957, Ch. 539, and by Stats. 1958 (1st Ex. Sess.), Ch. 80. In effect April 17, 1958.)

Method of computation, collection, etc.

32204. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. Such taxes shall be a lien on the taxable property of the district and shall be paid with, and not separately from, county taxes. All moneys so collected shall be paid into the county treasury or treasuries of the county or counties in which the district lies and shall be transferred upon order of the district board to the treasury of the district and placed in the proper fund or funds of said district; pro-

vided, however, that the proceeds of any tax levied to pay principal or interest of bonds which is payable at the office of the treasurer of the organizing county at the option of the holder, or otherwise, shall be placed in the bond interest and sinking fund of the district in the treasury of the organizing county.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32205. (Added by Stats. 1945, Ch. 932; repealed by Stats. 1947, Ch. 18.)

Article 2. Capital Outlays

(Article 2 added by Stats. 1945, Ch. 932)

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of fifty thousand dollars (\$50,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203. This section shall not apply to any district licensed to have 85 beds and located in a county of 2,000,000 or more population as determined by the 1950 census until one year has elapsed after the effective date of the amendment of this section at the 1959 Regular Session.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1955, Ch. 1675, by Stats. 1958 (1st Ex. Sess.), Ch. 80, and by Stats. 1959, Ch. 1395.)

NOTE: Section 32221, as amended by Stats. 1958 (1st Ex. Sess.), Ch. 80, effective from April 17, 1958, to September 18, 1959, reads as follows:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of fifty thousand dollars (\$50,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

Transfer of
surplus funds

32222. At any time after the creation of a capital outlay fund, the board of directors may transfer to such fund any unincumbered surplus funds remaining on hand in the district at the end of any fiscal year.

(Added by Stats. 1945, Ch. 932.)

Discontinu-
ance of fund

32223. Whenever a capital outlay fund is established, it shall be used only for such purposes, except the board of directors may, by a four-fifths vote of all members, if it finds that the fund is no longer necessary or that there remain in the fund moneys which are no longer required for such purpose, discontinue the fund or transfer so much thereof as is no longer required for capital outlay purposes to the repayment of any bonds outstanding, or if there are no bonds outstanding, to any fund used for the payment of current expenses of the district.

(Added by Stats. 1945, Ch. 932.)

Article 3. Special Assessments

(Article 3 added by Stats. 1945, Ch. 932)

Special
assessments

32240. Whenever it is desired that expenditures be made by the district for the acquisition, construction, maintenance, or alteration of work for the purpose of facilitating the carrying out of the purpose of this division in any district, the board of directors thereof may submit to the electors of the district the question of whether or not the additional expenditure shall be made out of the proceeds of a special assessment to be levied in like manner and on the same basis as the regular annual assessment made by the district.

(Added by Stats. 1945, Ch. 932.)

Election

32241. An election shall be held to authorize such assessment and may be called by the board of directors of the district in its discretion. Such an election shall be called upon presentation to the board of directors of a petition requesting the levy of the assessment and specifying the object and purposes for which the proceeds thereof shall be expended. Such petition must be signed by electors entitled to cast a number of votes at district elections equal to at least 15 per cent vote of the number of votes cast at the last district election.

(Added by Stats. 1945, Ch. 932.)

Contents of
resolution

32242. The resolution of the board of directors calling an election to decide whether a special assessment shall be levied, in addition to all other matters required by this division for a resolution calling an election, shall state the amount of the proposed expenditure for which assessment is to be levied, the amount of the assessment which will be levied to raise such amount for expenditure, allowing for a delinquency of 15 per cent, and the rate of the assessment necessary to raise such amount.

(Added by Stats. 1945, Ch. 932.)

32243. If two-thirds of the votes cast at the election are in favor of the special assessment, the board of directors shall cause the assessment to be levied in like manner as a regular assessment to pay the regular annual expenses of the district. Such special assessment shall be in addition to the limitation prescribed in Section 32203. Levy

(Added by Stats. 1945, Ch. 932.)

CHAPTER 4. BONDS

(Chapter 4 added by Stats. 1945, Ch. 932)

32300. Bonds may be issued by a district for the purpose of acquiring, maintaining, constructing, or altering work, when, in the opinion of the directors, a special assessment would be inadvisable, and the expenses of such operations will be in excess of an amount which can reasonably be raised by the regular annual assessment for the running expenses of the district. Issuance of bonds

(Added by Stats. 1945, Ch. 932.)

32300.1. In determining the amount of bonds to be issued, the legislative body may include: Determination of amount

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said revenue bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

(Added by Stats. 1957, Ch. 1378.)

32300.2. Bonds may be issued by a district for the purpose of refunding any or all of the outstanding bonds or other indebtedness of the district. Refunding

(Added by Stats. 1959, Ch. 910.)

32301. An election shall be held to authorize the issuance of any bonds of a district. The board of directors of a district may call such election at its discretion, and it shall call such election upon presentation to it of a petition requesting the issuance of bonds, specifying the purpose to which the proceeds are to be applied, and signed by electors of the district entitled to cast votes equal in number to at least 15 per cent of the total number of votes of all the electors of the district. Election

(Added by Stats. 1945, Ch. 932.)

32302. The resolution of the board of directors calling a bond election, in addition to all of the matters required by this division for a resolution calling an election, shall state the amount of the proposed bond issue, the rate of interest thereon, and the maximum date of maturity of bonds. If two-thirds of the votes cast at the bond election are in favor of the issuance of the bonds, the board of directors shall cause bonds to be issued. Contents of resolution

(Added by Stats. 1945, Ch. 932.)

Bonds	<p>32303. The board of directors by resolution entered on its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, shall fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than 30 years after their date of issuance, the denomination or denominations of the bonds, the date or dates of issuance of such bonds, the number or numbers of the bonds maturing at each date of maturity and the place or places of payment of such bonds. Said bonds may be payable at the office of the district or at the office of the county treasurer of the organizing county, or at any place or places designated therein at holder's option.</p> <p>(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1959, Ch. 910.)</p>
Maturity	<p>32304. Bonds first to mature in each issue shall mature not later than five years from the date of issuance thereof; and those last to mature of each issue shall mature not later than 30 years from the date of issuance thereof.</p> <p>(Added by Stats. 1945, Ch. 932; amended by Stats. 1959, Ch. 910.)</p>
Interest rate	<p>32305. The rate of interest to be borne by bonds issued under the authority of this chapter shall be fixed by the board of directors. The rate shall not exceed 6 percent per annum, payable annually or semiannually.</p> <p>(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)</p>
Denomination	<p>32306. Bonds issued under the authority of this chapter shall be of a denomination not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000.)</p> <p>(Added by Stats. 1945, Ch. 932.)</p>
Signatures	<p>32307. All bonds issued pursuant to this chapter shall be signed by the presiding officer and attested by the secretary of the board of directors of the district, and shall be valid as to future sale thereafter, regardless of whether at the time of sale the officer so signing is still the incumbent of such office.</p> <p>(Added by Stats. 1945, Ch. 932.)</p>
Limitation on bonded indebtedness	<p>32308. No hospital district shall incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district as shown by the last equalized county assessment roll or rolls of the county or counties in which the district lies. Any bonds of local hospital districts which shall be issued under the provisions of this chapter shall be legal investments for all trust funds and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and whenever any moneys or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties or school districts within the State of California, such moneys or funds may be invested in said bonds of local hospital districts issued under this chapter, and whenever bonds of cities, cities and counties, counties or school districts within the State may by any law now or hereafter enacted</p>
Legal investment	

be used as security for the performance of any act or the deposit of any public moneys, said bonds of local hospital districts issued under this chapter and in pursuance of its provisions may be so used.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18.)

32309. The board of directors may, from time to time, ^{Sale of bonds} sell bonds in such quantities as may be necessary and most advantageous to raise money for the purposes for which they were issued.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32310. Bonds shall be sold for at least par value. Before ^{Same} making any sales, the board of directors of the district shall, by resolution entered on its minutes, declare its intention to sell a specified amount of bonds, and the day, hour, and place of such sale. Notice of the sale shall be given by publication, ^{Notice} once, not less than 10 days prior to the date of sale, in a newspaper of general circulation in the district and shall state that sealed proposals for the purchase of bonds will be received by the board of directors at its office until the day and hour named in the resolution.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1947, Ch. 18.)

32311. At the time appointed, the board of directors shall ^{Acceptance or rejection of bids} open the proposals, and may sell the bonds or any portion thereof to the highest responsible bidder or bidders. Any and all bids may be rejected and no proposal shall be accepted unless accompanied by a certified or cashier's check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, to apply to the purchase price of the bonds. The amount of such check shall be forfeited if, after the acceptance of the proposal the bidder refuses to accept the bonds and to complete his purchase thereof on conditions stated in his bid. In case no award is made the board of directors thereafter may again advertise the bonds or any part thereof for sale.

(Added by Stats. 1945, Ch. 932; amended by Stats. 1955, Ch. 975.)

32312. The board or boards of supervisors of the county or ^{Tax} counties in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment, for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the interest on such bonds as the same becomes due and also, to constitute a sinking fund ^{Sinking fund} for the payment of the principal thereof at maturity. The sum for the sinking fund shall in any event be sufficient to

provide for the payment of the principal of all of the bonds as such bonds become due. Said tax shall be in addition to all other taxes levied for district purposes and shall be placed in the bond interest and sinking fund of the district and, until all of the principal and interest of the bonds of said district is paid, the moneys in said fund shall be used for no other purpose than the payment of said bonds and accruing interest thereon.

(Added by Stats. 1945, Ch. 932; repealed and added by Stats. 1947, Ch. 18; amended by Stats. 1959, Ch. 910.)

32313. (Added by Stats. 1945, Ch. 932; repealed by Stats. 1947, Ch. 18.)

Call and
retirement
of bonds

32314. The board may provide that any bond issued by the district may be subject to call and retirement prior to maturity at such times and prices and upon such other terms as the board may specify. If a bond is subject to call and retirement prior to maturity that fact shall be stated in the bond.

(Added by Stats. 1957, Ch. 96.)

CHAPTER 5. EXCLUSIONS

(Chapter 5 added by Stats. 1953, Ch. 531)

Article 1. General

(Article 1 added by Stats. 1953, Ch. 531)

Application
of chapter

32400. This chapter shall be applicable only if all of the following conditions exist:

(a) The district has been organized for at least two years.

(b) The district has no hospital or bonded debt.

(c) Two succeeding district bond issues, next preceding submission of the question of the district's dissolution to the voters, were defeated at elections.

(Added by Stats. 1953, Ch. 531.)

Article 2. Petition and Notice

(Article 2 added by Stats. 1953, Ch. 531)

Petition

32410. Fifty percent or more of the qualified electors residing within an area that is a portion of a district may jointly or severally file with the board of directors a petition, praying that the area be excluded from the district.

(Added by Stats. 1953, Ch. 531.)

Same:
Contents

32411. A petition for exclusion shall set forth all of the following:

(a) The reasons why it is claimed that the area should be excluded.

(b) A description of the area to be excluded.

(Added by Stats. 1953, Ch. 531.)

Notice:
Publication

32412. A notice of the filing of an exclusion petition shall be published by the secretary of the board of directors pursuant to Section 6066 of the Government Code prior to the date set for the hearing in a newspaper of general circulation

published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county in which the principal office of the district is located. If no newspaper is published in the county in which publication is required, notice shall be posted for the same time in at least three public places in the district, one of which notices shall be posted in the area proposed to be excluded.

(Added by Stats. 1953, Ch. 531; amended by Stats. 1957, Ch. 357.)

32413. The notice shall contain:

Contents

(a) A statement that a petition for exclusion of land has been filed.

(b) A description of the area proposed to be excluded.

(c) The time of the hearing.

(d) An announcement that any persons interested in the proposed exclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the area or any of it should not be excluded.

(Added by Stats. 1953, Ch. 531.)

32414. The time of the hearing specified in the notice shall be the regular meeting of the board of directors next after the giving of the notice is complete.

Time for hearing

(Added by Stats. 1953, Ch. 531.)

32415. Persons who do not at or before the hearing file objections in writing showing cause why the area should not be excluded and the petitioners assent to excluding the area in whole and in part.

Objections

(Added by Stats. 1953, Ch. 531.)

Article 3. Hearing and Order

(Article 3 added by Stats. 1953, Ch. 531)

32425. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board of directors shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections.

Hearing

(Added by Stats. 1953, Ch. 531.)

32426. The expense of giving the notice shall be paid by the persons filing the exclusion petition.

Expense

(Added by Stats. 1953, Ch. 531.)

32427. Upon the hearing of an exclusion petition the board of directors shall order that the petition be denied:

Order of exclusion

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any of the area described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any of the area described in the petition which the board deems it not for the best interests of the district to exclude except when the board judges that the residents of the area will not be benefited by the operations of the district.

(Added by Stats. 1953, Ch. 531.)

- Same 32428. The board of directors after the hearing of any exclusion petition shall order the exclusion of all or any part of the area described in it when as to the area to be excluded either:
- (a) The board judges that the residents of the area will not be benefited by the operations of the district.
 - (b) The board deems the exclusion to be for the best interest of the district and one of the following is true:
 - (1) No interested person has filed objections in writing showing cause why the area should not be excluded.
 - (2) All written objections made to the exclusion have been withdrawn.
 - (3) No written objection made to the exclusion is sustained at the hearing.
- (Added by Stats. 1953, Ch. 531.)
- Boundaries 32429. When a board of directors excludes any area from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained.
- (Added by Stats. 1953, Ch. 531.)
- Survey 32430. For the purpose of describing the change the board of directors may cause any survey to be made it deems necessary.
- (Added by Stats. 1953, Ch. 531.)
- Recording 32431. A copy of the entry in the minutes excluding any area, certified by the president and secretary of the board of directors, shall be filed for record in the recorder's office of each affected county.
- (Added by Stats. 1953, Ch. 531.)
- Property rights 32432. No exclusion of any area from a district impairs its existence, its rights, including those in or to property, or its obligations.
- (Added by Stats. 1953, Ch. 531.)
- Zone director 32433. If the board of directors of a district is elected by zones and the area excluded from the district embraces the greater portion of any zone of the district, the office of director from the zone shall be vacant at the expiration of 10 days from the final order of the board excluding the area. The vacancy shall be filled by appointment by the board of supervisors of the office county from the district at large. A director so appointed shall hold office until the next general election for the district. A director then elected shall hold office for the unexpired term in the office of director from the zone involved.
- (Added by Stats. 1953, Ch. 531.)
- Vacancy

Article 4. Liability of Excluded Land

(Article 4 added by Stats. 1953, Ch. 531)

- Assessments 32450. Any area excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of

the filing of the petition for the exclusion of the area as fully as though the area had not been excluded.

(Added by Stats. 1953, Ch. 531.)

32451. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, any area excluded shall be considered as part of the district the same as though the area had not been excluded. Outstanding obligations

(Added by Stats. 1953, Ch. 531.)

32452. All provisions which could be used to compel the payment by any excluded area of its portion of the outstanding obligations had the exclusion not occurred may be used to compel the payment on the part of the area of the portion of the outstanding obligations of the district for which it is liable. Payment

(Added by Stats. 1953, Ch. 531.)

32453. An excluded area is not subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of directors of the petition for the exclusion of the area from the district. Exemption

(Added by Stats. 1953, Ch. 531.)

Article 5. Alternative Exclusion Procedure

(Article 5 added by Stats. 1953, Ch. 531)

32475. As an alternative procedure to that provided in Articles 1 and 2, any area may be excluded by a district election when the required petition has been signed by at least 10 percent of the qualified electors of the area proposed to be excluded. Alternative procedure

(Added by Stats. 1953, Ch. 531.)

32476. The petition for exclusion shall be as provided in Section 32411. Petition

(Added by Stats. 1953, Ch. 531.)

32477. Upon filing of the petition for exclusion, the board of directors shall cause a notice to be published as provided in Sections 32412, 32413, and 32414. Notice

(Added by Stats. 1953, Ch. 531.)

32478. A hearing of the petition shall be held in accordance with the provisions of Sections 32425, 32426, and 32427. Hearing

(Added by Stats. 1953, Ch. 531.)

32479. If the board of directors determines that the best interest of the district will be served by excluding the area, or any part thereof, the board shall hold an election within the area or part thereof, which the board determines should be excluded, to decide whether or not the proposed exclusion shall take place. Election

(Added by Stats. 1953, Ch. 531.)

32480. Upon the final hearing of the petition, the board of directors shall fix the boundaries of the area proposed to be excluded and the time, not less than 60 days from date of the order, for holding an election. Excluded area boundaries

(Added by Stats. 1953, Ch. 531.)

Resolution

32481. If a majority of votes cast within the area proposed to be excluded are in favor of exclusion, the board of directors shall, by resolution entered in its minutes, declare the area excluded. The entry shall describe the change in accordance with the provisions of Sections 32429 and 32430.

(Added by Stats. 1953, Ch. 531.)

Application
of provisions

32482. The provisions of Sections 32431, 32432, and 32433 shall be applicable to the alternative exclusion procedure provided in this article.

(Added by Stats. 1953, Ch. 531.)

CHAPTER 6. CONSOLIDATION

(Chapter 6 added by Stats. 1953, Ch. 1716)

Consolidation

32490. Any district organized under this division may be consolidated pursuant to this chapter with any memorial district organized or existing under Chapter 1 of Division 6 of the Military and Veterans Code, if the boundaries of the districts are coterminous.

(Added by Stats. 1953, Ch. 1716.)

Resolution

32490.1. Whenever the board of directors of each district deems it for the best interests of the district that it be consolidated with the other district, it may adopt a resolution reciting that fact and declaring its willingness to consolidate. It shall then send copies of the resolution to the board of directors of the other district and to the board of supervisors of the county in which the district is located.

(Added by Stats. 1953, Ch. 1716.)

Petition

32490.2. Proceedings for consolidation may also be initiated by the filing of a petition for consolidation with the board of directors of each district. Each petition shall be signed by registered voters residing within the boundaries of the proposed district equal in number to not less than 12 percent of the number of votes cast therein for the office of Governor at the last preceding election at which a Governor was elected.

Upon the filing of a petition with it, the board of directors shall adopt a resolution reciting the fact of receipt, and then send copies of the petition and resolution to the board of directors of the other district and to the board of supervisors of the county in which the district is located.

(Added by Stats. 1953, Ch. 1716.)

Special
election

32490.3. Upon receiving from each district either a copy of a formation resolution or a copy of a formation petition, together with a copy of the resolution of the receipt of such petition, the board of supervisors shall call a special election within the area of each district to vote on the proposition of consolidation.

Insofar as possible, the provisions of this division relating to an election on the formation of a local hospital district shall apply to an election called pursuant to this section.

(Added by Stats. 1953, Ch. 1716.)

32490.4. There shall also be elected by the voters at such election a governing board of seven directors for the consolidated district to act for the district in the event that the proposition on consolidation is voted on favorably.

Governing
board

The members of the board elected at the election shall so classify themselves by lot that, if the election is in an even-numbered year, four shall go out of office the first Tuesday in January next following their election, and three shall go out of office two years thereafter; or, if the election is in an odd-numbered year, four shall go out of office the first Tuesday in January of the second year following their election, and three shall go out of office two years thereafter. Their successors shall be elected for terms of four years.

Except as may otherwise be provided in this section, all of the provisions of this division respecting the election, organization and terms of the members of the board of directors of a local hospital district shall apply to the election, organization and terms of the members of a board of directors elected pursuant to this section.

(Added by Stats. 1953, Ch. 1716.)

32490.5. If a majority of the votes cast at the election on consolidation favors consolidation, the board of supervisors shall adopt a resolution declaring that the districts involved are consolidated into one district and giving the district a name. Such name shall include "memorial," and "memorial" shall be part of the name of any hospital which is constructed or operated by the district.

Resolution

(Added by Stats. 1953, Ch. 1716.)

32490.6. Certified copies of the resolution shall be filed with the Secretary of State and, for record, in the office of the county recorder of the county in which the district is located.

Filing

(Added by Stats. 1953, Ch. 1716.)

32490.7. Upon such filing the districts involved shall be deemed consolidated into a single consolidated district with all the rights, privileges and powers of a local hospital district, and, particularly, those of the local hospital district consolidated.

Effect of
filing

(Added by Stats. 1953, Ch. 1716.)

32490.8. Upon such filing the board of directors elected shall succeed to all the duties, powers, purposes, responsibilities and jurisdiction of the board of directors of the local hospital district.

Same

(Added by Stats. 1953, Ch. 1716.)

32490.9. Upon such filing the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded and otherwise, of the consolidated districts.

Same

(Added by Stats. 1953, Ch. 1716.)

CHAPTER 7. CLAIMS

(Chapter 7 added by Stats. 1959, Ch. 1727)

Governing
law

32492. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

DIVISION 23.5. ENDOWMENT HOSPITALS

(Division 23.5 added by Stats. 1953, Ch. 82,
as part of codification)

Construction

32500. The provisions of this division shall be liberally construed to effect its objects and promote its purposes.

(Added by Stats. 1953, Ch. 82, as part of codification.)

Grant

32501. Any person desiring in his lifetime to promote the public welfare by founding, endowing, and having maintained within this State a hospital for the relief of the sick, and for use as a training school for nurses may, by grant in writing, convey to a trustee named in the grant and to the successor of such trustee, any of his property situated within this State. If he is married and the property is community, both he and his wife shall join in the grant.

(Added by Stats. 1953, Ch. 82, as part of codification.)

Execution,
etc.

32502. The grant may be executed, acknowledged, and recorded in the manner provided by law for the execution, acknowledgment, and recording of a grant of real property.

(Added by Stats. 1953, Ch. 82, as part of codification.)

Provisions
of grant

32503. The grantor may designate in the grant:

(a) The nature, object, and purpose of the hospital.

(b) The name by which it shall be known.

(c) The powers and duties of the trustee, including the manner in which he shall account, and to whom. Such powers and duties shall not be held to be exclusive of any others necessary to enable the trustee fully to carry out the object of the grant.

(d) The mode and manner by which, and the person by whom any successor of the named trustee shall be appointed.

(e) Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe. Unless the grantor otherwise prescribes, such rules shall be advisory only, and shall not preclude the trustee from making such changes as new conditions may from time to time require.

(Added by Stats. 1953, Ch. 82, as part of codification.)

Gifts

32504. The trustee may in the name of the hospital grant, receive, and hold gifts of property, and sue and defend in relation to the trust property and all matters affecting the hospital.

(Added by Stats. 1953, Ch. 82, as part of codification.)

32505. The trustee may exercise corporate powers and privileges, and to that end may organize and act as a board of trustees, elect such officers of the board as he may deem necessary, adopt by-laws, and as such board or through such officers transact such business, perform such acts, and exercise such powers as he in writing may provide may be transacted, performed, and exercised by such board. Corporate powers

(Added by Stats. 1953, Ch. 82, as part of codification.)

32506. The board may adopt and use a seal. When attached to any document or writing the seal shall be prima facie evidence that the document or writing was made by and under due authority from the board and the trustee. Seal

(Added by Stats. 1953, Ch. 82, as part of codification.)

32507. The grantor, by a provision in the grant, may during his lifetime elect, in relation to the property conveyed and to the erection, maintenance, and management of the hospital, to perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee. In such case the powers and duties conferred and imposed by the grant upon the trustee shall be exercised and performed by the grantor during his lifetime. Upon the death of the grantor the powers and duties shall devolve upon and be exercised by the trustee or his successor. Exercise of duties by grantor

(Added by Stats. 1953, Ch. 82, as part of codification.)

32508. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect the conveyance or the title to the property conveyed, or the right to the possession, rents, issues, and profits thereof, unless it is commenced within two years after the date of filing the grant for record. Nor in any suit, action, or proceeding commenced by the trustee named in the grant, his successor, privy, or any person holding under him shall any defense be made involving the legality of the grant, or affecting the title to the property thereby conveyed, the right to its possession, or the rents, issues, and profits thereof, unless the suit, action, or proceeding is commenced within two years after the grant is filed for record. After such filing the property shall be exempt from execution and forced sale. Suits, etc.

(Added by Stats. 1953, Ch. 82, as part of codification.)

DIVISION 24. COMMUNITY REDEVELOPMENT AND HOUSING

(Added by Stats. 1951, Ch. 710, as part of codification)

PART 1. COMMUNITY REDEVELOPMENT LAW

CHAPTER 1. GENERAL

Article 1. General Provisions and Definitions

- | | |
|-----------------------|--|
| Short title | 33000. This part may be cited as the Community Redevelopment Law. |
| Construction | 33001. The definitions and general provisions contained in this article govern the construction of this part, unless the context otherwise requires. |
| "Agency" | 33002. "Agency" means a redevelopment agency created by this part or its predecessor, or a legislative body which has elected to exercise the powers granted to an agency by this part.
(Amended by Stats. 1957, Ch. 849.) |
| "Redevelopment area" | 33003. "Redevelopment area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part.
(Amended by Stats. 1951, Ch. 1624.) |
| Same | 33004. A redevelopment area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may include lands, buildings, or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part. |
| "Bonds" | 33005. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to Article 3 of Chapter 5. |
| "Community" | 33006. "Community" means a city or county. |
| "Federal Government" | 33007. "Federal Government" means the United States or any of its agencies or instrumentalities. |
| "Legislative body" | 33008. "Legislative body" means the city council, board of supervisors, or other legislative body of a community. |
| "Obligee" | 33009. "Obligee" includes any bondholder, his trustee, any lessor demising to the agency property used in connection with a project area or any assignee of all or part of his interest, and the Federal Government when it is a party to any contract with the agency. |
| "Planning commission" | 33010. "Planning commission" means a planning commission established pursuant to law or charter. |
| "Project area" | 33011. "Project area" means all or part of a redevelopment area comprising one of the following:
(a) At least one block bounded on all sides by public highways as shown on the official map of the community. |

(b) If no official map exists, an area of not less than 90,000 square feet, including any highways, streets, or alleys.

33012. "Real property" means:

"Real
property"

(a) Land, including land under water and waterfront property.

(b) Buildings, structures, fixtures, and improvements on the land.

(c) Any property appurtenant to or used in connection with the land.

(d) Every estate, interest, privilege, easement, franchise, and right in land, including rights of way, terms for years, and liens, charges, or incumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

33013. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them.

"Redevelop-
ment"

It does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area. It includes:

(a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

(b) Provision for open space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.

(c) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist:

(1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.

(2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.

33014. "Redevelopment project" means any undertaking of an agency pursuant to this part.

"Redevelop-
ment
project"

33015. "State" includes any state agency or instrumentality.

"State"

33016. "Public body" means the State, or any city, county, district, authority, or any other subdivision or public body of the State.

"Public
body"

Exemption
from
execution

33017. Execution or other judicial process shall not issue against the real property of an agency nor shall any judgment against an agency be a charge or lien upon its real property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust, or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues.

Public
bodies:
Powers

33018. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

(a) Dedicate, sell, convey, or lease any of its property to a redevelopment agency.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects.

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the Federal Government respecting action to be taken by such public body pursuant to any of the powers granted by this part; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds.

Article 2. Declaration of State Policy

Blighted
areas:

33040. It is found and declared that there exist in many communities blighted areas which constitute either social or economic liabilities, or both, requiring redevelopment in the interest of the health, safety, and general welfare of the people of such communities and of the State. These blighted areas are characterized by one or more of the conditions set forth in Sections 33041 to 33044, inclusive.

Character-
istics

33041. A blighted area is characterized by the existence of buildings and structures, used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime because of any one or a combination of the following factors:

(a) Defective design and character of physical construction.

(b) Faulty interior arrangement and exterior spacing.

(c) High density of population and overcrowding.

(d) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.

(e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses.

33042. A blighted area is characterized by:

(a) An economic dislocation, deterioration, or disuse, resulting from faulty planning.

(b) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(c) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

(d) The existence of inadequate streets, open spaces, and utilities.

(e) The existence of lots or other areas which are subject to being submerged by water.

33043. A blighted area is characterized by a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered. Same

33044. A blighted area is characterized by: Same

(a) In some parts of the blighted area, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.

(b) In other parts of the blighted area, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

33045. It is further found and declared that:

(a) The existence of blighted areas characterized by any or all of such conditions constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the State.

(b) Such blighted areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power.

(c) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution, and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety, and the maintaining of adequate police, fire, and accident protection and other public services and facilities.

(d) This menace is becoming increasingly direct and substantial in its significance and effect.

(e) The benefits which will result from the remedying of such conditions and the redevelopment of blighted areas will accrue to all the inhabitants and property owners of the communities in which they exist.

Same

33046. It is further found and declared that:

(a) Such conditions of blight tend to further obsolescence, deterioration, and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his property while the condition of the neighboring properties remains unchanged.

(b) As a consequence the process of deterioration of a blighted area frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(c) Such conditions of blight are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land in blighted areas for redevelopment is so difficult and costly that it is uneconomical and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(d) The remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe, and insanitary buildings, and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

State
policy

33047. For these reasons it is declared to be the policy of the State:

(a) To protect and promote the sound development and redevelopment of blighted areas and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all appropriate means.

(b) That whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

(c) That the redevelopment of blighted areas and the provision for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of health, safety, and welfare of the people of the State and of the communities in which the areas exist.

(d) That the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination.

(Amended by Stats. 1951, Ch. 1624.)

33048. It is found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in Sections 33041 to 33044, inclusive.

Wartime
housing
projects

(Amended by Stats. 1951, Ch. 1624.)

33049. It is hereby declared to be the policy of the State that in undertaking community redevelopment or urban renewal projects under this part (commencing at Section 33000) there shall be no discrimination because of race, color, religion, national origin, or ancestry.

State policy

(Added by Stats. 1959, Ch. 1102. In effect June 19, 1959.)

NOTE: Stats. 1959, Ch. 1102, also contained the following provision:

SEC. 24. This act shall be applicable to redevelopment plans or projects and urban renewal plans or projects commenced after its effective date, and to such plans or projects commenced prior to its effective date on which no agency hearing has been held.

CHAPTER 2. REDEVELOPMENT AGENCIES

Article 1. Creation

33200. There is in each community a public body, corporate and politic, known as the redevelopment agency of the community.

Redevelop-
ment agency

33201. An agency shall not transact any business or exercise any powers under this part unless, by resolution, the legislative body declares that there is need for an agency to function in the community.

Declaration
of need

33201.5. The agency shall cause a certified copy of the resolution to be filed in the Office of the Secretary of State. Agencies which already are transacting business and exercising powers under this part at the time of the enactment of this section shall, within ninety (90) days after this section becomes effective cause a certified copy of the resolution to be filed in the Office of the Secretary of State.

Filing of
resolution

(Added by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33202. In any proceeding involving the validity or enforcement of, or relating to, any contract by an agency, the agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the filing with the Secretary of State of such a resolution.

Exercise
of powers

Agencies which transacted business and exercised powers prior to the enactment of Section 33201.5 shall, in any proceeding involving the validity of, or enforcement of, or relating to, any contract by an agency, be conclusively deemed to have been established and authorized to transact business and

exercise its powers upon proof of the adoption of such a resolution or upon proof that a copy of such resolution has been filed with the Secretary of State.

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Dissolution
of agency

33203. If an agency has not redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into contracts for redevelopment within two years after the adoption of such a resolution, the legislative body may by resolution declare that there is no further need for the agency. Upon the adoption of the resolution the offices of the agency members are vacated and the capacity of the agency to transact business or exercise any powers is suspended until the legislative body adopts a resolution declaring the need for the agency to function.

Same

33204. The legislative body of the community may order the dissolution of an agency if the agency has no outstanding bonded indebtedness, and if the unanimous written consent of the members of the agency is first obtained.

(Added by Stats. 1957, Ch. 849.)

Article 2. Redevelopment Agency, Officers, and Employees

Members:
Appointment

33230. When the legislative body adopts a resolution declaring the need for an agency the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency.

Qualifi-
cations

33231. A member may not be an elective officer or an employee of the community, but, notwithstanding any other law, he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community.

Alternative
to appoint-
ment, etc.

33231.5. As an alternative to the appointment of five (5) members of the agency, the legislative body may, at the time of the adoption of a resolution pursuant to Section 33201 or 33203 of this part, declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community.

A legislative body which has declared itself to be the agency pursuant to this section may at any time by resolution determine that it shall no longer function as an agency, in which event, the mayor or chairman of the board of supervisors with the approval of the legislative body shall appoint five (5) resident electors of the community as members of the agency.

A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

Delegation
of authority

An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such

community is hereby authorized to carry out or perform such powers or functions for the agency.

(Added by Stats. 1957, Ch. 849; amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33232. Three of the members first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointments and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for four-year terms. Vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified. Terms

33233. The appointing officer shall designate the first chairman from among the members. When there is a vacancy in such office, the agency shall elect a chairman from among its members. Unless otherwise prescribed by the legislative body, the term of office as chairman is for the calendar year, or for that portion remaining after he is designated or elected. Chairman

33234. Members shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties. They may receive such other compensation as the legislative body prescribes. Compensation

33235. For inefficiency, neglect of duty, or misconduct in office, a member may be removed by the appointing officer, but only after he has been given a copy of the charges at least 10 days prior to a public hearing on them and has had an opportunity to be heard in person or by counsel. If a member is removed, a record of the proceedings and the charges and findings shall be filed in the office of the clerk of the community. Removal from office

33236. No agency or community officer or employee who in the course of his duties is required to participate in the formulation of or to approve plans or policies for the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in such property, he shall immediately make a written disclosure of it to the agency and the legislative body which shall be entered on their minutes. Failure to so disclose constitutes misconduct in office. Interest in property by officer, etc.

33237. An agency shall not acquire from any of its members or officers any property or interest in property except through eminent domain proceedings. Acquisition from officers, etc.

Article 3. Powers of a Redevelopment Agency

33260. The powers of each agency are vested in the members in office. Powers in members

33261. Each redevelopment agency exercises governmental functions and has the powers prescribed in this part. Governmental functions

Powers
of agency

33262. An agency may :

- (a) Sue and be sued.
- (b) Have a seal.
- (c) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(d) Make, amend, and repeal by-laws and regulations not inconsistent with, and to carry into effect, the powers and purposes of this part.

Same

33263. An agency may :

(a) Obtain, hire, purchase, or rent office space, equipment, supplies, insurance, and services.

(b) Authorize and pay the travel expenses of agency members, officers, agents, counsel, and employees on agency business.

Services,
etc., of
planning
commission

33264. For the purposes of the agency, it shall have access to the services and facilities of the planning commission, the city engineer, and other departments and offices of the community.

Employees

33265. An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or incumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.

(Amended by Stats. 1951, Ch. 619.)

Powers
of agency

33266. An agency may :

(a) From time to time prepare plans for the improvement, rehabilitation, and redevelopment of blighted areas.

(b) Disseminate redevelopment information.

(c) Accept financial or other assistance from any public or private source, for the agency's activities, powers, and duties, and expend any funds so received for any of the purposes of this part.

Same

33267. Within the redevelopment area or for purposes of redevelopment an agency may :

(a) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it.

(b) Acquire real property by eminent domain.

(c) Clear buildings, structures, or other improvements from any real property acquired.

(d) Sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

(e) Insure or provide for the insurance of any real or personal property or operations of the agency against risks or hazards.

(f) Rent, maintain, manage, operate, repair, and clear such real property.

33268. Any lease or sale made pursuant to Section 33267 may be made without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

(Amended by Stats. 1957, Ch. 1696.)

33269. An agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks and curbs, and public utilities to be constructed and installed.

33270. An agency may operate a rehousing bureau to assist site occupants in obtaining adequate temporary or permanent housing. It may incur any necessary expenses for this purpose.

33270.1. An agency may make relocation payments to or with respect to persons (including families, business concerns and others) displaced by a redevelopment project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(Added by Stats. 1957, Ch. 1696.)

33271. An agency may:

(a) Invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

(b) Purchase its bonds at a price not more than their principal amount and accrued interest. All bonds so purchased shall be canceled.

33272. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the project area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of this part.

33273. The agency may provide in the contract that any of the obligations of the purchaser are covenants or conditions running with the land, the breach of which shall cause the fee to revert to the agency.

33274. This part does not authorize an agency to construct or rehabilitate any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan. This part does not authorize an agency to sell, lease, grant, or donate public property to a housing authority or to any public agency for low-rent public housing projects.

33275. Without the consent of an owner an agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and

Leases
or sales

Building
sites

Rehousing
bureau

Relocation
payments

Investment
of funds

Purchase
of bonds

Obligation
of lessees,
or purchasers

Same:
Contract
provisions

Restriction

Same

use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of the plan and the owner fails or refuses to agree to participate in the redevelopment plan pursuant to Sections 33701 and 33745.

(Repealed and added by Stats. 1955, Ch. 1761.)

Aid from
State or
Federal
Government

33276. An agency may borrow money or accept financial or other assistance from the State or the Federal Government for any redevelopment project within its area of operation, and may comply with any conditions of such loan or grant.

Eminent
domain

33277. Property already devoted to a public use may be acquired by the agency through eminent domain, but property of a public body shall not be acquired without its consent.

Jurisdiction

33278. The territorial jurisdiction of the agency of a county is the unincorporated territory in the county, and that of a city or city and county is the territory within its limits.

Payments
in lieu
of taxes

33279. The agency may in any year during which it owns property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

(Added by Stats. 1951, Ch. 1411.)

33280. (Added by Stats. 1951, Ch. 1686; repealed by Stats. 1959, Ch. 598 and Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Article 4. Contracts

Contracts
for work

33300. Any work of grading, clearing, demolition, or construction in excess of one thousand five hundred dollars (\$1,500) undertaken by the agency shall be done by contract after competitive bids.

Prevailing
wage rates

33301. Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in the call for bids for the contract and in the contract such rate and the general prevailing rate for regular holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract.

Same:
Payment by
contractor

33302. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract.

Penalty
for non-
compliance

33303. As a penalty to the agency which awarded the contract, the contractor shall forfeit ten dollars (\$10) for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him. A stipulation to this effect shall be included in the contract.

33304. Each contractor and subcontractor shall keep an accurate record showing the name, occupation, and actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency. Records

33305. An agency shall require each successful bidder to file with it good and sufficient bonds, to be approved by it. The bonds shall be conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection with the contract. The bonds shall contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and are subject to the provisions of that chapter. Indemnity bonds

Article 5. Joint Exercise of Powers

33330. Two or more agencies within two or more communities may jointly exercise the powers granted under this part. In such case the agencies, the planning commissions, and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency for all of the interested communities. Joint exercise of powers

(Amended by Stats. 1951, Ch. 1057.)

33331. If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the master or general plan of each community before presenting the redevelopment plan to the respective legislative bodies for adoption. Designation of single agency

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33332. The designated agency and each planning commission shall cooperate in formulating redevelopment plans. Cooperation

33333. By ordinance the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community. The ordinance shall designate the community to undertake such redevelopment. The community so authorized may undertake the redevelopment of such area in all respects as if the area was within its territorial limits and its legislative body, agency, and planning commission shall have all the rights, powers, and privileges with respect to such area as if it was within the territorial limits of the community so authorized. Neither the legislative body, agency, nor planning commission of the community so authorizing shall be required to comply with any requirements of this part except as set forth in this section. Any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing. Contiguous territory

(Amended by Stats. 1951, Ch. 1057.) Approval of plans

Article 6. Claims

(Article 6 added by Stats. 1959, Ch. 1727)

Governing
law

33340. All claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

CHAPTER 3. PRELIMINARY REDEVELOPMENT PLANS

(Heading amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049)

Article 1. Community Prerequisites

Prerequi-
sites:
Compliance

33450. Before any area is designated for redevelopment, the community authorized to undertake such development shall comply with the requirements of this article.

(Amended by Stats. 1951, Ch. 1057.)

Planning
commission
Master or
general plan

33451. The community shall have a planning commission.

33452. The community shall have a master or general community plan adopted by the planning commission or the legislative body. The plan shall include all of the following:

(a) The general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other major public utilities and facilities.

(b) A land-use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(c) A statement of the standards of population density and building intensity recommended for the various districts and other territorial units, and estimates of future population growth, in the territory covered by the plan, all correlated with the land-use plan.

(d) Maps, plans, charts, or other descriptive matter showing the areas in which conditions are found indicating the existence of blighted areas.

Article 2. Designation of Redevelopment Area

Designation

33480. Redevelopment areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of redevelopment areas by resolution of the planning commission or by resolution of the members of the agency.

(Amended by Stats. 1951, Ch. 1624.)

Resolution:
Contents

33481. The resolution designating a redevelopment area or areas shall contain the following:

(a) A finding that the area designated is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this act;

(b) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(c) A description of the boundaries of the area designated. (Amended by Stats. 1951, Ch. 1624.)

33482. Any person, group, association or corporation may in writing, request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate redevelopment areas) to designate a redevelopment area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof. Request for designation

(Amended by Stats. 1951, Ch. 1624.)

Article 3. Selection of Project Area and Formulation of Preliminary Plans

(Heading amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049)

33500. Of its own motion or at the request of the agency the planning commission may, or at the direction of the legislative body or upon the written petition of the owners in fee of a majority in area of any redevelopment area, excluding publicly owned areas or areas dedicated to a public use, the planning commission shall, select one or more project areas comprising all or part of such redevelopment area, and formulate a preliminary plan for the redevelopment of each project area. Preliminary plan

33501. A preliminary plan need not be detailed and is sufficient if it: Same: Contents

(a) Describes the boundaries of the project area.

(b) Contains a general statement of the land uses, layout of principal streets, population densities, and building intensities and standards proposed as the basis for the redevelopment of the project area.

(c) Shows how the purposes of this part would be attained by such redevelopment.

(d) Shows that the proposed redevelopment conforms to the master or general community plan.

33502. The planning commission shall submit the preliminary plan for each project area to the agency and the agency shall base the redevelopment plan upon the preliminary plan. The agency shall make an analysis of the preliminary plan and submit the same to the legislative body with the redevelopment plan pursuant to Section 33711. Presentation to agency

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Cooperation

33503. The agency and planning commission shall cooperate in the selection of project areas and in the preparation of the preliminary plan.

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Article 4. (Repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049)

33530 to 33535. (Repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Article 5. (Repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049)

33560 to 33565. (Repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33566. (Amended by Stats. 1957, Ch. 1695; repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33567 to 33572. (Repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33573. (Amended by Stats. 1959, Ch. 504; repealed by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33574. (Repealed by States. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

CHAPTER 4. REDEVELOPMENT PLANS

Article 1. Formulation of Redevelopment Plans

Preparation
or adoption

33700. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations.

Hearing:
Notice

Before the adoption of a redevelopment plan by the agency, the agency shall conduct a public hearing on it. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown by the records of the assessor for the community. The notice shall be mailed both by first class mail and by certified mail with return receipt requested.

Each assessee whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of the hearing. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan may be mailed to assesseees with the notices of hearing.

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33701. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area. Property owner participation

With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of this section in connection with the plan. Rules

(Amended by Stats. 1957, Ch. 1696, and by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33702. Every redevelopment plan which contemplates property owner participation in the redevelopment shall contain alternative provisions for redevelopment of the property if the owners fail to participate in the redevelopment as agreed. Alternative provisions

33703. A redevelopment plan for a project area shall conform to the master or general community plan insofar as the latter applies to the project area. The agency shall consult with the planning commission of the community in formulating redevelopment plans. Conformance with master plan

(Repealed and added by Stats. 1955, Ch. 1761; amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33704. Before the redevelopment plan of each project area is submitted to the legislative body, it shall be submitted to the planning commission for its report and recommendation concerning the redevelopment plan and its conformity to the master or general community plan adopted by the planning commission or the legislative body. Within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the agency. Planning commission action

If the planning commission does not report upon the redevelopment plan within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendations concerning the plan and the agency may proceed to act upon the plan without the report and recommendations of the planning commission.

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Adoption	33705. If the planning commission recommends against the approval of the redevelopment plan, the legislative body may adopt such plan by a two-thirds vote of its entire membership. If the planning commission recommends approval or fails to make any recommendation within the time allowed, the legislative body may adopt the redevelopment plan by a majority vote of the entire membership.
Financing	33706. Every redevelopment plan shall describe the proposed method of financing the redevelopment of the project area in sufficient detail so that the legislative body may determine the economic feasibility of the plan.
Contents of redevelopment plan	33707. Every redevelopment plan shall show: <ul style="list-style-type: none"> (a) The amount of open space to be provided and street layout. (b) Limitations on type, size, height, number, and proposed use of buildings. (c) The number of dwelling units. (d) The property to be devoted to public purposes and the nature of such purposes. (e) Other covenants, conditions, and restrictions which the legislative body prescribes.
Acquisition of property	33708. A redevelopment plan may provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area.
Lease or sale of property	33709. A redevelopment plan shall provide for the agency to lease or sell all real property acquired by it in any project area, except property conveyed by it to the community. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.
Bond issuance	33710. A redevelopment plan may provide for the agency to issue bonds and expend the proceeds from their sale in carrying out the redevelopment plan.
Submission to legislative body	33711. Upon the formation or adoption of a redevelopment plan and its submission to the planning commission of the community, the agency shall submit it to the legislative body.

Article 2. Adoption of Redevelopment Plans

Consideration	33730. The legislative body shall consider the redevelopment plan of a project area submitted by the agency and all evidence and testimony for or against the adoption of the plans at a public hearing, notice of which shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. (Amended by Stats. 1957, Ch. 1696, and by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)
Hearing: Notice	
Contents	33730.5. The notice shall: <ul style="list-style-type: none"> (a) Describe specifically the boundaries of the proposed redevelopment project area; and

(b) State the day, hour and place when and where any and all persons having any objections to the proposed redevelopment plan or who deny the existence of blight in the proposed project area, or the regularity of any of the prior proceedings may appear before the legislative body and show cause why the proposed plan should not be adopted.

(Added by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33731. On the question of the adoption of the redevelopment plan submitted by the agency, the legislative body shall determine: Determination

(a) Whether the plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(b) Whether the adoption and carrying out of the redevelopment plan is economically sound and feasible.

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33732. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of his objections to the proposed plan. At the hour set in the notice required by Section 33730.5 for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. The legislative body may adjourn the hearing from time to time. If no objections in writing have been delivered to the clerk of the legislative body prior to the hour set for the hearing thereon, if no oral objections are presented during the hearing thereon, or if the objections are overruled by the legislative body, the legislative body may proceed to adopt the plan. The decision of the legislative body shall be final and conclusive, and it shall thereafter be conclusively presumed that the project area is a blighted area as defined by Sections 33041 through 33044 and that all prior proceedings have been duly and regularly taken. Objections
Hearing

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33733. If the legislative body determines that the redevelopment plan conforms to the master or general plan of the community, that it is economically sound and feasible, and that the carrying out of the plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part, by ordinance adopted by a majority vote of all the members it may adopt the plan as the official redevelopment plan for the project area. Adoption

33734. If the plan provides for the expenditure of any money by the community, the legislative body shall provide for such expenditure at the time of or in connection with the approval of the plan. Expenditure of money

33735. If the plan provides for the opening, closing, widening, or changing the grade of any streets or alleys or any other Street, etc., changes

modification of the street layout in the project area, the legislative body shall declare its intention to institute proceedings therefor at the time of or in connection with the adoption of the plan.

Condem-
nation of
property

33736. If the plan provides for the condemnation of any real property, the legislative body shall not adopt the plan unless it contains a finding by the agency that the condemnation of such property is necessary to the execution of the plan and adequate provisions for payment for property so acquired as provided by law.

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Bond
issuance

33737. If the plan provides for the issuance of bonds or other obligations of the agency, the legislative body shall not approve the plan unless it contains adequate provision for the payment of the principal and interest when they become due and payable.

Housing for
displaced
inhabitants

33738. If the plan provides for the temporary or permanent displacement of any occupants of housing facilities in the project area, the legislative body shall not approve the plan except upon the finding that adequate permanent housing facilities are or will be made available in the same county in which the housing facilities to be displaced are located, for such displaced occupants reasonably convenient to their needs as determined by the agency and at rents comparable to those in the community at the time of their displacement.

If it is necessary to make available permanent housing facilities for displaced occupants in such county outside the agency undertaking the plan, such activity shall be subject to the approval of the governing body of such county or of the city in which the housing is made available.

(Amended by Stats. 1951, Ch. 1624, and by Stats. 1959, Ch. 1817.)

Same

33739. The legislative body shall also be satisfied that such permanent housing facilities will be made available within three years from the time such occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

(Amended by Stats. 1951, Ch. 1624.)

33740. (Repealed by Stats. 1951, Ch. 1624.)

Safeguards

33741. No plan shall be approved unless it contains adequate safeguards that the work of redevelopment will be carried out pursuant to the plan and provides for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the legislative body deems necessary to effectuate the purposes of this part. The establishment of such controls is a public purpose under the provisions of this part.

33742. The approval of a redevelopment plan by a legislative body shall be by ordinance. The ordinance shall: Ordinance of adoption

(a) Contain a legal description of the boundaries of the project area covered by the redevelopment plan.

(b) Set forth the purposes and intent of the legislative body with respect to the project area.

(c) Refer specifically to the determinations required in other sections of this article.

(d) Contain by reference to maps, reports, and other information the full details of the approved plan.

(e) Designate the approved plan as the official redevelopment plan of the project area.

33743. Upon the filing of the ordinance with the clerk or other appropriate officer of the legislative body, a copy of the ordinance shall be sent to the agency, and the agency is vested with the responsibility for carrying out the plan. Agency responsibility

33744. Before entering into any or certain types of contracts in connection with the redevelopment plan, the legislative body may require the agency to submit such contracts to the legislative body and obtain its approval. Contracts

33745. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by the owners of such property, and the owners fail or refuse to enter into a binding agreement for participation in accordance with the rules adopted by the agency pursuant to Section 33701, the alternative provisions provided for in Section 33702 become effective as the official redevelopment plan of the project area. Failure of owners to participate

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33746. The findings and determinations of an agency and of a legislative body or of either of them, in the adoption and approval of any redevelopment plan may be judicially reviewed by a court of competent jurisdiction. Such action must be brought within 60 days after the date of adoption of the ordinance approving the plan. No action shall be brought prior to the adoption of the final redevelopment plan. Judicial review

(Amended by Stats. 1957, Ch. 1696, and by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33747. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency. Amendment

Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal descrip- Hearing: Notice

tion of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown by the records of the assessor for the community, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed both by first class mail and by certified mail with return receipt requested. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

Agency recommendation

After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plans thus amended.

Hearing

Recordation

Amendments to a plan adopted pursuant to this section shall be recorded in compliance with Section 27295 of the Government Code as promptly as practicable following adoption by the legislative body.

(Added by Stats. 1955, Ch. 1761; amended by Stats. 1957, Ch. 357, and by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Recordation

33748. After the adoption of the redevelopment plan by the legislative body there shall be recorded with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Recordation in compliance with the provisions of Section 27295 of the Government Code shall, to the extent applicable, be effected as promptly as practicable following the adoption of the plan by the legislative body.

(Added by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

Notice to applicants

33749. After the adoption of a redevelopment plan for a project area by the legislative body, all applicants for building permits in the area for a period of two years thereafter shall be advised by the building department of the community that the site for which a building permit is sought for the con-

struction of buildings or for other improvements is within a redevelopment project area.

(Added by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

CHAPTER 5. FINANCIAL PROVISIONS

Article 1. General

33850. At any time after the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may appropriate to the agency such amounts as the legislative body deems necessary for the administrative expenses and overhead of the agency. The money appropriated may be paid to the agency as a grant to defray the expenses and overhead, or as a loan to be repaid upon such terms and conditions as the legislative body may provide.

Appropriation to agency

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, expenses of redevelopment planning and dissemination of redevelopment information.

"Administrative expense"

(Amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See note following Section 33049.)

33851. Each agency transacting business and exercising powers under this part shall annually submit to the legislative body of the community a proposed budget of its administrative expenses.

Budget

33852. The legislative body may adopt an annual budget for the administrative expenses of the agency in such amounts as it deems necessary and may provide such conditions and restrictions upon the expenditure or encumbrance of the money appropriated pursuant to the budget as it deems advisable.

Same: Adoption

33853. The money appropriated for administrative expenses shall be kept in the treasury of the community in a special fund to be known as the Community Redevelopment Agency Administrative Fund, and money shall be drawn from the fund to meet the administrative expenses of the agency in substantially the same manner as money is drawn by other agencies and departments of the community subject to budgetary control.

Community Redevelopment Agency Administrative Fund

33854. The money appropriated by the legislative body to the Community Redevelopment Agency Administrative Fund is money granted by the community to defray the administrative expenses of the agency which is performing a public function of the community and the grant of money in this manner is not to be construed as making the agency a department of the community or as placing the officers, agents, counsel, and employees under civil service of the community.

Construction

33855. Each such agency shall file with the legislative body a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarterly, or annual intervals as the legislative body may prescribe.

Financial reports

Article 2. Redevelopment Revolving Fund

Establish-
ment

33880. At any time after it has adopted a resolution declaring that there is need for an agency to function in the community, the legislative body may establish a Redevelopment Revolving Fund to be kept in the treasury of the community.

Bonds

33881. For the purpose of raising money to be deposited in such fund, the legislative body may appropriate money or the community may issue and sell its general obligation bonds.

Same

33881.5. The community may also issue and sell its general obligation bonds for the purpose of providing funds with which to redeem before maturity, retire at maturity, or purchase agency bonds issued under Article 3 hereof. General obligation bonds issued pursuant to this section may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The principal amount of agency bonds proposed to be so redeemed, retired or purchased.

(b) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such agency bonds.

(c) The estimated amount of any due and unpaid interest or accrued interest on such agency bonds which must be paid at the time the same are redeemed, retired or purchased.

(d) The estimated amount of all expenses incidental to or connected with the redemption, retirement or purchase of such agency bonds and the authorization, issuance and sale of such general obligation bonds.

All agency bonds redeemed, retired or purchased with the proceeds of such general obligation bonds shall be canceled and shall not be reissued.

(Added by Stats. 1957, Ch. 1346.)

Refinancing
loan

33881.6. If the redevelopment plan contains the provision authorized by Section 33950, the agency and the legislative body of the community may, either before or after the authorization of general obligation bonds for the purposes permitted by Section 33881.5, enter into an agreement that the principal amount of any such general obligation bonds sold for such purposes, together with all interest which the community may pay thereon, shall constitute a loan by the community to the agency for the purpose of refinancing the redevelopment project, and that, subject to any prior pledge of or claim upon the moneys in the special fund provided for in said Section 33950, the moneys accruing to such special fund are irrevocably pledged to the repayment of such loan until there has been repaid to the community from time to time from such special fund the principal amount of such general obligation bonds plus all interest which the community may pay thereon, less such part, if any, of the proceeds of such general obligation bonds which were not used for such purposes, and less any premiums and accrued interest received by the community upon the sale of such general obligation bonds.

(Added by Stats. 1957, Ch. 1346.)

33882. Except as otherwise provided in this part, any Same general obligation bonds issued by any community pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the community for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued, a community may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the community at any general or special election.

(Amended by Stats. 1951, Ch. 1411.)

33883. By resolution of the legislative body adopted by a Expenditures majority vote any money in the Redevelopment Revolving Fund may be expended from time to time for:

(a) The acquisition of real property in any project area.

(b) The clearance, aiding in relocation of site occupants, and preparation of any project area for redevelopment.

33884. By resolution of the legislative body adopted by Payments to agency a two-thirds vote, any money in the Redevelopment Revolving Fund may be paid to the agency, upon such terms and conditions as the legislative body may prescribe for any of the following purposes:

(a) Deposit in a trust fund to be expended for the acquisition of real property in any project area.

(b) The clearance of any project area for redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a redevelopment plan which has been adopted by the legislative body.

33885. No real or personal property, or any interest Property sales or leases therein, acquired or constructed in whole or in part with money from the Redevelopment Revolving Fund shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body.

(Amended by Stats 1951, Ch. 1624.)

33886. All money received by the agency from the sale, Redeposit of proceeds lease, or encumbering of property acquired with money from the Redevelopment Revolving Fund in excess of the money required to repay the loans and interest thereon authorized by this part shall be redeposited in the fund.

33887. If any property acquired in whole or in part from the Redevelopment Revolving Fund is to be sold or leased by the agency, the sale or lease shall be first approved by the legislative body by resolution adopted after public hearing. Notice Approval of sale or lease of the time and place of the hearing shall be published once in the official newspaper of the community at least one week prior to the hearing. The resolution shall be adopted by a majority vote unless the legislative body has provided by ordinance for a two-thirds vote for such purpose. Hearing and notice

Financing provisions

33888. All other provisions of this part that relate to financing are subject to Sections 33885 to 33887, inclusive. Nothing contained in such sections shall authorize an agency to construct any buildings, but an agency is subject to the limitations imposed by Article 3 of Chapter 2.

Redevelopment Revolving Fund: Abolishment

33889. The legislative body of any community may abolish the Redevelopment Revolving Fund whenever it finds that the purposes for which it was established have been accomplished. At the time of abolishing the fund, the legislative body shall transfer all money in it to the general obligation bond redemption fund and provide that all money thereafter to be deposited or redeposited in the Redevelopment Revolving Fund shall be deposited in the general obligation bond redemption fund.

Surplus

Any surplus existing in the general obligation bond redemption fund after payment of principal and interest shall be transferred to the general fund of the community.

Article 3. Bonds

Issuance

33910. From time to time an agency may issue bonds for any of its corporate purposes. An agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

Types

33911. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of the projects

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of Article 4 of this chapter.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the State or Federal Government.

(f) By any combination of these methods.

(Amended by Stats. 1951, Ch. 1411.)

Additional security

33912. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of any redevelopment project or other property of the agency or by a pledge of the taxes referred to in subdivision (c) of Section 33911, or by any combination thereof.

(Amended by Stats. 1951, Ch. 1411.)

Liability: Agency members, etc.

33913. Neither the members of an agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

33914. The bonds and other obligations of any agency are not a debt of the community, the State, or any of its political subdivisions and neither the community, the State, nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Nature of obligations

33915. No agency shall sell, offer for sale, negotiate for the sale of, or take subscriptions for any bonds of its own issue, to, with, or from the public, until it has first applied for and secured from the Commissioner of Corporations a permit authorizing it to do so. Permit for issuance of bonds

33916. The application shall be made and the permit issued pursuant to reasonable regulations therefor which the commissioner may adopt and amend from time to time. The commissioner shall issue the permit if he finds that the project is financially sound and that the sale of the bonds would not be unfair, unjust, or inequitable to the purchasers. The provisions of the Corporate Securities Law, not inconsistent with this part, are incorporated herein, insofar as they relate to applications for permits and the issuance of permits required by this section. Regulations
Corporate Securities Law

33917. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage shall provide for: Bonds: Provisions

- (a) The issuance of the bonds in one or more series.
- (b) The date the bonds shall bear.
- (c) The maturity dates of the bonds.
- (d) The interest rate, not exceeding the maximum rate fixed for bonds of cities under Chapter 4, Division 4, Title 4 of the Government Code.
- (e) The denomination of the bonds.
- (f) Their form, either coupon or registered.
- (g) The conversion or registration privileges carried by the bonds.
- (h) The rank or priority of the bonds.
- (i) The manner of their execution.
- (j) The medium of payment.
- (k) The place of payment.
- (l) The terms of redemption with or without premium to which the bonds are subject.

(Amended by Stats. 1957, Ch. 1981.)

33918. The bonds may be sold at not less than par, at public sale held after notice published once at least five days prior to the sale in a newspaper of general circulation published in the community, or, if there is none, in a newspaper of general circulation published in the county. The bonds may be sold at not less than par to the Federal Government at private sale without any advertisement. Same: Sale

33919. If any agency member or officer whose signature appears on bonds or coupons ceases to be such member or officer Signatures

before delivery of the bonds, his signature is as effective as if he had remained in office.

Negotiability 33920. Bonds issued pursuant to this part are fully negotiable.

Validity 33921. In any action or proceedings involving the validity or enforceability of any bonds or their security, any such bond reciting in substance that it has been issued by the agency to aid in financing a redevelopment project is conclusively deemed to have been issued for a redevelopment project and the project is conclusively deemed to have been planned, located, and constructed pursuant to this part.

Agency powers: 33922. In connection with the issuance of bonds, and in addition to its other powers, an agency has the powers prescribed in Sections 33923 to 33931, inclusive.

33923. An agency may:

Pledges (a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

Encumbrances (b) Encumber by mortgage, deed of trust, or otherwise all or any part of its real or personal property, then owned or thereafter acquired.

Covenants 33924. An agency may covenant:

(a) Against pledging all or any part of its rents, fees, and revenues.

(b) Against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence.

(c) Against permitting any lien on such revenues or property.

(d) With respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any redevelopment project.

(e) As to what other, or additional debts or obligations it may incur.

Same 33925. An agency may:

(a) Covenant as to the bonds to be issued, as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(b) Provide for the replacement of lost, destroyed, or mutilated bonds.

(c) Covenant against extending the time for the payment of its bonds or interest.

(d) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

Same 33926. An agency may:

(a) Covenant as to the consideration or rents and fees to be charged in the sale or lease of a redevelopment project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for redevelopment or other costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of such money.

33927. An agency may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent thereto, and the manner in which such consent may be given. Procedure

33928. An agency may covenant: Covenants

(a) As to the use of any or all of its real or personal property.

(b) As to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

33929. An agency may: Same

(a) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(b) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

33930. An agency may: Trustees

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(b) Vest in a trustee the right, in the event of a default by the agency, to take possession of all or part of any redevelopment project, to collect the rents and revenues arising from it and to dispose of such money pursuant to the agreement of the agency with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

33931. An agency may: Additional powers

(a) Exercise all or any part or combination of the powers granted in Sections 33923 to 33930, inclusive.

(b) Make covenants other than and in addition to the covenants expressly authorized in such sections, of like or different character.

(c) Make such covenants and to do any and all such acts and things as may be necessary, convenient, or desirable to secure its bonds, or, except as otherwise provided in this part, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated in this part.

33932. In addition to all other rights which may be conferred on him, and subject only to any contractual restrictions binding upon him, an obligee may: Rights of obligee

(a) By mandamus, suit, action, or proceeding, compel the agency and its members, officers, agents, or employees to perform each and every term, provision, and covenant contained

in any contract of the agency with or for the benefit of the obligee, and require the carrying out of any or all such covenants and agreements of the agency and the fulfillment of all duties imposed upon it by this part.

(b) By suit, action, or proceeding in equity, enjoin any acts or things which may be unlawful, or the violation of any of the rights of the obligee.

Obligee
holding
bonds

33933. By its resolution, trust indenture, mortgage, lease, or other contract, an agency may confer upon any obligee holding or representing a specified amount in bonds, the following rights upon the happening of an event or default prescribed in such resolution or instrument, to be exercised by suit, action, or proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any redevelopment project to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of all or part of any redevelopment project of the agency and of the rents and profits from it. If a receiver is appointed, he may enter and take possession of the redevelopment project or any part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and shall keep such money in separate accounts and apply it pursuant to the obligations of the agency as the court shall direct.

(c) To require the agency and its members and employees to account as if it and they were the trustees of an express trust.

Tax
exemption

33934. The bonds are issued for an essential public and governmental purpose, and together with interest on them and income from them are exempt from all taxes.

Legal
investments

33935. Notwithstanding any restrictions on investments contained in any laws, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, money, or other funds belonging to them or within their control in any bonds or other obligations issued by an agency. Such bonds and other obligations are authorized security for all public deposits. It is one of the purposes of this part to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. This part does not relieve any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

33936. All of the provisions of this article are subject to ^{Limitations} the limitations of Article 2.

Article 4. Taxation

(Article 4 added by Stats. 1951, Ch. 1411)

NOTE: Article 4 became operative November 4, 1952, upon adoption by the people of Assembly Constitutional Amendment No. 55 proposed by the 1951 Regular Session of the Legislature.

33950. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

Taxes:
Allocation

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(2) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or re-finance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph numbered (1) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable prop-

erty in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(Added by Stats. 1951, Ch. 1411. See note following article heading.)

Pledge
of tax
revenues

33951. In any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph numbered (2) of Section 33950 may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

(Added by Stats. 1951, Ch. 1411. See note following article heading.)

"Taxes"

33952. As used in this article the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property.

(Added by Stats. 1951, Ch. 1411. See note following article heading.)

Taxes on
leased
property

33953. Whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely upon the assessed value of his or its leasehold interest.

(Added by Stats. 1951, Ch. 1411. See note following article heading.)

Operative
date

33954. This article shall become operative only if the people approve the constitutional amendment of the 1951 Regular Session of the Legislature adding Section 19 to Article XIII of the Constitution of the State and in such case at the same time as such constitutional amendment takes effect.

(Added by Stats. 1951, Ch. 1411. See note following article heading.)

Article 5. Action to Determine Validity of Redevelopment or Renewal Plan and Bonds

(Article 5 added by Stats. 1959, Ch. 1542)

Special
proceeding:
Authoriza-
tion and
validation

33955. An agency which proposes to issue and sell bonds to finance or refinance, in whole or in part, a redevelopment or renewal project under and pursuant to the provisions of Article 3 of this chapter (including, without limitation, bonds, the principal and interest of which are to be payable, in whole or in part, from taxes allocated to, and paid into a special fund of the agency pursuant to the provisions of Article 4 of this chapter) may, at any time after the effective date of the ordinance approving such plan and after the adoption of a

resolution authorizing the issuance of bonds, bring a special proceeding in the superior court in and for the county in which the agency exists to determine its authority to issue such bonds, the validity of said bonds, and the validity of such redevelopment or renewal plan, including, without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the redevelopment or renewal area, the designation of the project area, the formulation of the preliminary plan, and the adoption of the redevelopment or renewal plan, and also including the legality and validity of the redevelopment or renewal plan finally adopted and the legality and validity of all proceedings theretofore taken, and (as provided in said resolution) proposed to be taken, for the authorization, issuance, sale and delivery of said bonds and for the payment of the principal thereof and interest thereon.

(Added by Stats. 1959, Ch. 1542.)

33956. Such special proceeding shall be in rem, shall be entitled "In the matter of the redevelopment (or renewal) plan for _____ of the Redevelopment (or Renewal) Agency _____ and of bonds therefor" and shall be commenced by the filing of a petition therefor. The petition shall briefly set forth by proper allegations, references or exhibits:

Nature, title
and petition

- (a) The establishment of the agency;
- (b) The principal steps taken leading to the final adoption of the redevelopment or renewal plan;
- (c) The redevelopment or renewal plan and the ordinance approving such plan;
- (d) The resolution authorizing the issuance of the bonds;
- (e) Other pertinent matters.

(Added by Stats. 1959, Ch. 1542.)

33957. Such special proceeding shall be one in which the judgment shall be binding upon all persons interested in or affected by the redevelopment or renewal plan or the issuance of the bonds, including, without limiting the generality of the foregoing, the State of California, all cities, counties, cities and counties, districts and other public corporations and all property owners, taxpayers and residents thereof, all persons having any interest in property within the area affected by the redevelopment or renewal plan, all residents and taxpayers therein, and all other persons, individual or corporate and wheresoever situated, having any interest in or affected in any manner by the redevelopment or renewal plan or the issuance of the bonds. Jurisdiction may be had by publication of an order of the court in which the special proceeding is pending, naming the special proceeding, briefly stating the nature thereof, and requiring all such persons so interested or affected to appear at a time and place fixed in said order and show cause why the prayer of said petition should not be granted

Judgment,
jurisdiction,
etc.

and the proceedings, plans and bonds declared valid as prayed therein. A copy of said order shall be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation published in the county in which the action is pending and designated by the court. Jurisdiction is complete 10 days after the date of the last publication.

(Added by Stats. 1959, Ch. 1542.)

Notice

33957.1. Not less than 20 days before the date jurisdiction is complete as provided in Section 33957, a copy of said order shall be mailed, postage prepaid, to each person to whom land within the project area affected by the redevelopment or renewal plan is assessed as shown on the last equalized county assessment roll, at his address as shown upon such roll.

(Added by Stats. 1959, Ch. 1542.)

Appearance

33958. Any person claiming to be interested in or affected by the redevelopment or renewal plan or the issuance of the bonds may appear in said special proceeding by filing a demurrer or answer or demurrer and answer to the petition on or before the time fixed in said order. At the time and place fixed in said order, whether or not anyone other than petitioner has appeared in said proceeding, the court shall hear, consider, and determine the matters raised by the petition. Upon motion of the petitioner, or of any person who has appeared in said special proceeding, the court may enjoin the commencement of similar proceedings or actions or proceedings of any nature raising similar or related issues, and may also order any such action or proceeding theretofore commenced and undetermined to be consolidated for trial, hearing or other purposes, with the special proceedings brought under this chapter, and may make such other orders as may be necessary to avoid unnecessary costs or delays or multiplicity of suits. Such orders shall not be appealable.

(Added by Stats. 1959, Ch. 1542.)

Trial

33959. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this chapter are applicable to all special proceedings provided for by this chapter. The trial of such special proceedings and the hearing and disposition of any motion for new trial and appeal from any judgment therein shall have precedence over all other civil actions or special proceedings and it shall be the duty of the courts to hear and determine the same at the earliest possible moment. In a special proceeding under this chapter the court shall disregard any error, irregularity or omission which did not affect the substantial rights of the parties. If the special proceeding under this chapter is commenced after the expiration of 60 days after the date of adoption of the ordinance approving the redevelopment or renewal plan, the restrictions of Section 33746 shall apply and in the special proceeding under this chapter no person shall be permitted to contest the legality or validity of the findings and determinations of the agency or of the legislative body or of either of them in the adoption and approval of the

redevelopment or renewal plan unless such issue has been raised in an action or proceeding commenced before the expiration of said 60-day period and such action or proceeding has been consolidated with the special proceeding under this chapter pursuant to Section 33958.

(Added by Stats. 1959, Ch. 1542.)

33960. The judgment shall determine the validity or invalidity respectively of the matters specified in Section 33955. The judgment shall be subject to being reopened under the provisions of Section 473 or Section 473a of the Code of Civil Procedure or otherwise only within 90 days after the entry of the judgment and petitioner and any person who has appeared in said special proceeding as provided by Section 33958 of this chapter shall have the right to move for a new trial under proper circumstances and upon appropriate grounds and to appeal from said judgment. Judgment

(Added by Stats. 1959, Ch. 1542.)

33961. The judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that the agency is lawfully established, that the redevelopment or renewal plan is valid and effective, that the agency is authorized to issue such bonds and that such bonds when issued will be valid, said judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which said judgment is binding and conclusive. Same

(Added by Stats. 1959, Ch. 1542.)

CHAPTER 6. URBAN RENEWAL

(Chapter 6 added by Stats. 1957, Ch. 1696)

Article 1. General

(Article 1 added by Stats. 1957, Ch. 1696)

33970. In addition to its powers under any other section of this part, an agency is authorized to plan and undertake urban renewal projects. Urban renewal projects

(Added by Stats. 1957, Ch. 1696.)

NOTE: Stats. 1957, Ch. 1696, also contained the following provision:

SEC. 7. Nothing in this act shall be construed as a determination by the Legislature that redevelopment agencies did not have some or all of the powers herein specified prior to this enactment; to the extent that such agencies have such powers prior to the effective date hereof, this act shall be construed as a restatement thereof.

33971. "Urban renewal" means undertakings and activities for the elimination and for the prevention of the development or spread of blighted areas, and may involve any redevelopment work or undertaking or any rehabilitation and

"Urban renewal"

conservation work, or any combination or part of such undertaking or work.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

"Rehabilitation" or "conservation"

33972. "Rehabilitation" or "conservation" may include the restoration and renewal of a blighted, deteriorated, or deteriorating area by:

(a) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(b) Acquisition of certain real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(c) Installation, construction or reconstruction, of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area an urban renewal plan; and

(d) Disposing of any real property acquired to private enterprise or public agencies for use in accordance with an urban renewal plan.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

"Urban renewal area"

33973. "Urban renewal area" means a blighted, deteriorated or deteriorating area, the urban renewal of which is necessary to effectuate the public purposes declared in this part.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

"Urban renewal plan"

33974. "Urban renewal plan" means a plan for the urban renewal of a project area. Such a plan shall be subject to all the requirements and prepared and approved pursuant to all the provisions and procedures of this part applicable to a redevelopment plan and the preparation and approval thereof.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

"Urban renewal project"

33975. "Urban renewal project" means an undertaking of an agency pursuant to an official urban renewal plan designated by the legislative body in accordance with this part. Such a project shall be subject to all the requirements and provisions of this part applicable to a redevelopment project.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

Findings and declarations

33976. The findings and declarations heretofore made in this part with respect to the existence of blighted areas in need of redevelopment are hereby affirmed and restated.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

33977. It is hereby further found and declared that:

Same

(a) There exist in many communities other areas in which the conditions by which blighted areas are characterized are present to a lesser degree but still to such an extent that such areas are deteriorated or deteriorating and threaten to become blighted areas if the conditions of blight in them are not remedied.

(b) The existence of such deteriorated and deteriorating areas thus threatens to increase still further the extent, scope and effect of blighted areas and is itself declared to be a menace which is condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the State.

(c) In such deteriorated and deteriorating areas, and in some blighted areas, the conditions of blight can be remedied, the process of deterioration halted, and the spread of blight and development of blighted areas prevented by rehabilitation and conservation.

(d) The effective rehabilitation and conservation of such areas may require public acquisition at fair prices of certain parcels of land where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for public facilities.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

33978. It is further found and declared that there exists in many communities still other areas, parts of which are blighted to the extent that they require redevelopment, and other parts of which are blighted, deteriorated and deteriorating to the extent that they require rehabilitation and conservation, and the effective remedying of the conditions of blight and urban renewal of such areas requires the combination of redevelopment, rehabilitation and conservation measures.

Same

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

33979. For these reasons it is declared to be the further policy of the State and the further purposes of this part:

State
policy

(a) To promote and advance the urban renewal of blighted, deteriorated and deteriorating areas and the general welfare of the inhabitants of the communities in which such areas exist by the employment of all appropriate means.

(b) That whenever the urban renewal of blighted, deteriorated and deteriorating areas cannot be accomplished by private enterprise alone, without public participation and assistance in planning, in the acquisition of land, in the work of clearance, relocation of families and preparing the land for new building, in carrying out programs of voluntary or compulsory repair and rehabilitation of structures or other improvements, and in making site improvements and providing community facilities, it is in the public interest to employ

the power of eminent domain and to advance or expend public funds for these purposes and otherwise to provide means by which blighted, deteriorated and deteriorating areas may be renewed.

(c) That the urban renewal of blighted, deteriorated and deteriorating areas and the provision of continuing land use and construction policies in them are public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state and community concern in the interest of the health, safety and general welfare of the people of the State and of the communities in which the areas exist.

(d) That the benefits which will result from the remedying of conditions of blight and the elimination and the prevention of the spread of blighted areas by the urban renewal of blighted, deteriorated and deteriorating areas shall accrue to all the inhabitants and property owners of the communities in which such areas exist.

(e) That the necessity in the public interest for the provisions of this part is a matter of legislative determination.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

Powers and
duties of
agency, etc.

33980. In connection with the planning and undertaking of any urban renewal project, the agency, the community, the legislative body, the planning commission, and all public officers, agencies and bodies shall have all the powers, duties, rights, privileges and immunities which they have in respect to a redevelopment plan or a redevelopment project, in the same manner as though all the provisions of this part applicable to a redevelopment plan or a redevelopment project were applicable to an urban renewal plan or an urban renewal project.

(Added by Stats. 1957, Ch. 1696; amended by Stats. 1959, Ch. 1102. In effect June 19, 1959. See notes following Sections 33049 and 33970.)

Additional
plans

33981. In addition to the plans which an agency is otherwise authorized to prepare, an agency is hereby specifically authorized to prepare plans within urban renewal areas for urban renewal projects to include (1) a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, and (2) the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements. An agency is authorized to develop, test and report methods and techniques, and carry out demonstrations and other activities, for the prevention and elimination of conditions of blight and blighted areas.

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

33982. (Added by Stats. 1957, Ch. 1696; repealed by Stats. 1959, Ch. 1102. See note following Section 33049.)

33983. The provisions for urban renewal in this chapter shall not become operative in any community unless and until the legislative body of the community declares, by resolution, that there is need for urban renewal in the community. The provisions of this chapter shall not grant to any such agency in any community powers which are now or hereafter granted to any other officer, board, or department of the community by charter or ordinance without the consent of the legislative body of such community by ordinance.

Resolution
of legisla-
tive body

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

33984. At any time following the adoption by the legislative body of a resolution declaring there is need for urban renewal in the community, the words "urban renewal" may be substituted for the word "redevelopment" wherever in this part the word redevelopment is used as part of the name of an agency, an administrative fund or a revolving fund established pursuant to this part; provided, that the provisions of this section shall not apply in any community unless and until the legislative body thereof, by resolution, declares that said provision shall be applicable.

Same

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

33985. The urban renewal agency shall provide a feasible method for the temporary or permanent relocation of persons displaced from the urban renewal area and shall require that there be provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number available to such displaced persons and reasonably accessible to their places of employment.

Relocation
of displaced
persons

(Added by Stats. 1957, Ch. 1696. See note following Section 33970.)

PART 1.5. FLOOD RELIEF REDEVELOPMENT LAW

(Part 1.5 added by Stats. 1956 (Ex. Sess.),
Ch. 58. In effect April 26, 1956)

34000. This part is known and may be cited as the Flood Relief Redevelopment Law.

Short title

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34001. "Director" means the State Director of Finance.

"Director"

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

"Property" 34002. "Property" means any land or buildings damaged or destroyed by storms or floods after October 1, 1955, and located within a redevelopment area.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

Administration 34003. The director shall administer this part and make such rules and regulations as may be necessary to carry out its provisions.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

Loans: 34004. From any state money made available to it for the purpose, and subject to the conditions specified in this part, the director may lend money to any redevelopment agency to enable it to acquire property within the redevelopment area over which the agency has jurisdiction to enable it to plan a redevelopment project within the area.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

Availability of federal funds 34005. The director shall not make any loan under this part until he has first determined that it is reasonably certain that federal funds will eventually become available to be applied towards the acquisition of the property involved, but that it is necessary to acquire it in the meantime in order to carry out the redevelopment project or provide for its early completion at the lowest possible cost.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

Contracts with federal government 34006. No loan shall be made under this part until the redevelopment agency has first entered into a contract with the United States or its authorized agent for an advance from the United States for surveys and plans for redevelopment projects.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

Flood affected areas 34007. The director may also lend money to a redevelopment agency in respect to any redevelopment project in a flood affected area in an amount equal to not more than one-third of the aggregate of the net costs of the project where necessary to meet the requirements of local grants-in-aid required by federal law. Any such loan shall be conditioned upon the agency entering into a contract with the United States or its authorized agent for a capital grant from the United States to the agency for the purpose of the project.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

Repayment 34008. Any loan made by the director to a redevelopment agency pursuant to this part shall be repaid to the State General Fund in equal installments over a period of 10 years, together with an additional amount equal to the revenue which the State would have derived by investing the total deferred payment at the interest rate prevailing for legal

state investments. The repayment shall be made out of the following funds: (a) any federal funds made available to the agency for carrying out the redevelopment project; (b) if there are no such available federal funds, any available current revenues of the agency; (c) if such available current revenues are insufficient, from any funds of the agency to which it may be entitled under the Alcoholic Beverage Control Law or out of motor vehicle license fee revenue, which funds shall be withheld from the agency by the State Controller upon the order of the director.

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

34009. Property may be acquired under this part upon the approval of the director and without the necessity of meeting any condition precedent to land acquisition prescribed by the Community Redevelopment Law. Property acquired under this part may be acquired in any manner permitted by the Community Redevelopment Law.

Acquisition
of property

(Added by Stats. 1956 (Ex. Sess.), Ch. 58. In effect April 26, 1956.)

PART 2. HOUSING AUTHORITIES

CHAPTER 1. HOUSING AUTHORITIES LAW

Article 1. General Provisions

34200. This chapter may be cited as the Housing Authorities Law.

Short title

34201. It is hereby declared:

Declaration

(a) That there exist in the State insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such accommodations; that within the State there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the State and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities.

(b) That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income would therefore not be competitive with private enterprise.

(c) That the clearance, replanning, and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes

for which public money may be spent and private property acquired and are governmental functions of state concern; that it is in the public interest that work on such projects be commenced as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions of this chapter is declared as a matter of legislative determination.

Construction 34202. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

"Authority" 34203. "Authority" means a public corporation created pursuant to this chapter.

"City" 34204. "City" means any city or city and county.

"County" "County" means any county.

"Governing body" 34205. "Governing body" means the city council in the case of a city or the board of supervisors in the case of a county.

"Mayor" 34206. "Mayor" means the mayor of the city or the officer charged with the duties customarily imposed on the executive head of the city.

"Clerk" 34207. "Clerk" means the clerk of the city or of the county.

"Area of operation"; City authority 34208. "Area of operation," in the case of a city authority, includes the city and the area within five miles of its territorial boundaries. It does not include any area which lies within the territorial boundaries of another city unless the governing body of such other city has consented by resolution. It does not include any area which lies within the unincorporated area of any county for which an authority has been authorized to transact business. If a county authority becomes empowered to transact business and exercise its powers, a city authority empowered to transact business and exercise its powers in any of the unincorporated area of the county shall not initiate any further project within such unincorporated territory.

County authority 34209. "Area of operation," in the case of a county authority includes all of the county except the area within the territorial boundaries of any city for which an authority has been authorized to transact business. A county authority shall not operate in any city located in the county and in which an authority has not been authorized to transact business unless the consent of the city governing body has been obtained. If an authority of a city within a county becomes empowered to transact business and exercise its powers, a county authority empowered to transact business and exercise its powers has no power to initiate any further project within the territorial boundaries of the city.

"Federal Government" 34210. "Federal Government" means the United States, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States.

34211. "Slum" means any area where dwellings pre- "Slum"
dominate which, by reason of dilapidation, overcrowding, faulty
arrangement, or design, lack of ventilation, light, or sanitary
facilities, or any combination of these factors, are detrimental to
safety, health, and morals.

34212. "Housing project" means any work or undertak- "Housing
ing to be financed in whole or in part by the Federal Govern- project"
ment or to which the Federal Government extends assistance by
supplying all or part of the labor, by guaranteeing the payment
of liens, or otherwise, for any one or a combination of the follow-
ing purposes:

(a) To demolish, clear, or remove buildings from any slum
area. Such work or undertaking may embrace the adaptation of
the area to public purposes, including parks or other recreational
or community purposes.

(b) To provide decent, safe, and sanitary urban or rural
dwellings, apartments, or other living accommodations for per-
sons of low income. Such work or undertaking may include
buildings, land, equipment, facilities, and other real or personal
property for necessary, convenient, or desirable appurtenances,
streets, sewers, water service, parks, site preparation, garden-
ing, administrative, community, health, recreational, educa-
tional, welfare, or other purposes.

"Housing project" also includes the planning of the build-
ings and improvements, the acquisition of property, the demoli-
tion of existing structures, the construction, reconstruction,
alteration, and repair of the improvements, and all other work
in connection therewith.

34213. "Persons of low income" means persons or families "Persons
who lack the amount of income which is necessary, as determined of low
by the authority undertaking the housing project, to enable income"
them, without financial assistance, to live in decent, safe, and
sanitary dwellings, without overcrowding.

34214. "Bonds" means any bonds, notes, interim cer- "Bonds"
tificates, debentures, or other obligations issued by the authority
pursuant to this chapter.

34215. "Real property" includes all land, including "Real
improvements and fixtures on it, and property of any nature property"
appurtenant to it, or used in connection with it, and every
estate, interest, and right in it, including terms for years and
liens by way of judgment, mortgage, or otherwise, and the
indebtedness secured by such liens.

34216. "Obligee" includes any bondholder, trustee for "Obligee"
any bondholders, or lessor demising to the authority property
used in connection with a housing project, or any assignee of all
or part of such lessor's interest, and the Federal Government
when it is a party to any contract with the authority.

34217. Execution or other judicial process shall not issue Exemption
against the real property of an authority nor shall any judg- from
ment against an authority be a charge or lien upon its real judicial
property. This section does not apply to or limit the right of process

obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, or revenues.

Applicable provisions

34218. Chapter 3, Division 5, Title 1, of the Government Code applies to any housing project under this chapter.

Article 2. Creation of Housing Authorities

Housing authorities

34240. In each county and city there is a public body corporate and politic known as the housing authority of the county or city. The authority shall not transact any business or exercise its powers unless, by resolution, the governing body of the county or city declares that there is need for an authority to function in it.

Determination of need

34241. The governing body may make the determination as to whether there is a need for an authority to function upon its own motion or upon the filing of a petition signed by 25 residents of the county or city asserting that there is need for an authority to function in the county or city and requesting that the governing body so declare.

Resolution

34242. The governing body may adopt a resolution declaring that there is need for a housing authority if it finds either of the following:

(a) That insanitary or unsafe inhabited dwelling accommodations exist in the county or city.

(b) That there is a shortage of safe or sanitary dwelling accommodations in such county or city available to persons of low income at rentals they can afford.

Factors for consideration

34243. In determining whether dwelling accommodations are unsafe or insanitary the governing body may take into consideration:

(a) The degree of overcrowding.

(b) The percentage of land coverage.

(c) The light, air, space, and access available to the inhabitants of such dwelling accommodations.

(d) The size and arrangement of the rooms.

(e) The sanitary facilities.

(f) The extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Effect

34244. In any proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the governing body declaring the need for the authority. The resolution is sufficient if it declares that there is such need for an authority and finds in substantially the terms of Section 34242 that either or both of the conditions set forth in that section exist in the county or city. A copy of the resolution duly certified by the clerk is admissible in evidence in any proceeding.

Sufficiency

Evidence

34245. If, after the lapse of two years after the adoption of the resolution the governing body finds that the authority has failed to transact any business or exercise any of its powers, it may adopt a resolution declaring that the authority shall not transact any business or exercise its powers under this chapter, and that the offices of the authority commissioners are vacated. At any time thereafter the governing body may declare by resolution that there is need for an authority to function in the county or city, such determination to be made pursuant to this article.

Abandonment of authority

Resolution

Article 3. Officers and Employees

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body where under the charter or general law or ordinance members of other boards or commissions would be subject to confirmation, shall appoint five persons as commissioners of the authority. If the office of the mayor is not elective, the city governing body shall make the appointments.

Appointment of commissioners

(Amended by Stats. 1953, Ch. 1802.)

34271. When the governing body of a county adopts such a resolution it shall appoint five persons as commissioners of the authority.

Same

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the authority is created. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body where under the charter or general law or ordinance members of other boards or commissions would be subject to confirmation. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

Terms and qualifications

(Amended by Stats. 1953, Ch. 1802.)

34273. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and the certificate is conclusive evidence of the due and proper appointment of the commissioner.

Certificate of appointment, etc.

Compensation	34274. A commissioner shall not receive compensation for his services, but he is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.
Power	34275. The power of each authority is vested in the commissioners in office from time to time.
Quorum	34276. Three commissioners constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners, unless in any case the by-laws of the authority require a larger number.
Chairman	34277. The mayor of the city or the governing body of the county shall designate the first chairman from among the commissioners. The authority shall select his successor from among its commissioners.
Vice chairman and employees	34278. An authority shall select from among its commissioners a vice chairman. It also may employ a secretary, who shall be executive director, technical experts, and such other officers, agents, and employees as it requires, and shall determine their qualifications, duties, terms of employment and compensation. (Amended by Stats. 1953, Ch. 1802, and by Stats. 1957, Ch. 764.)
Legal services	34279. For the legal services it requires, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff.
Delegation of powers and duties	34280. An authority may delegate to one or more of its agents or employees the powers or duties it deems proper.
Interest in projects, etc.	34281. A commissioner or employee of an authority shall not acquire any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor shall he have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If he owns or controls a direct or indirect interest in any such property, he shall immediately make a written disclosure of it to the authority and the disclosure shall be entered upon its minutes. Failure so to disclose his interest constitutes misconduct in office.
Removal	34282. For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed by the governing body of the county in the case of a county authority, or by the mayor, if he has the power of appointment of commissioners, otherwise, by the governing body of the city in the case of a city authority. A commissioner shall be removed only after he has been given a copy of the charges at least 10 days prior to the hearing on them and has had an opportunity to be heard in person or by counsel. If a commissioner is removed, a record of the proceedings and the charges and findings on them shall be filed in the office of the clerk.

34283. The commissioners shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. All of the meetings of the commissioners, whether regular or special, shall be open to the public. All minutes, books of account, accounts and supporting vouchers and data, all plans and specifications, all contracts and changes and modifications thereof, all leases, and all bids which have been opened and either accepted or rejected by the housing authority, shall constitute public records and shall be open to public inspection at all times during office hours. An authority shall supply such information relating to its activity to the governing body of its respective city or county as the governing body may request; provided, however, an authority may declare to be confidential any information contained therein which is not based upon or contained in public records, and any person who wilfully discloses or reveals such confidential information, or any part thereof, is guilty of a misdemeanor.

Meetings

Records
open to
publicConfidential
information

(Added by Stats. 1953, Ch. 1802.)

Article 4. Powers and Duties of Housing Authorities

34310. An authority constitutes a corporate and politic public body, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of this chapter.

Powers

34311. An authority may:

Same

(a) Sue and be sued.

(b) Have a seal and alter it.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Make, amend, and repeal by-laws and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

34312. Within its area of operation, an authority may:

Same

(a) Prepare, carry out, acquire, lease, and operate housing projects.

(b) Provide for the construction, reconstruction, improvement, alteration, or repair of all or part of any housing project.

34313. Except where there existed on September 15, 1945, contracts for financial assistance between a housing authority and the Federal Government, no low-rent housing or slum-clearance project shall be developed, constructed, or owned by an authority after September 15, 1945, except after consultation with the school district in which the project is located, and until the governing body of the county or city in which it is proposed to develop, construct, or own the project, approves it by resolution.

Low-rent
housing,
etc.:
Limitation

Contracts,
etc., for
services

34314. An authority may arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or its occupants. Notwithstanding anything to the contrary contained in this chapter or in any other law, an authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor and any conditions which the Federal Government has attached to its financial aid of the project.

Property

34315. An authority may:

(a) Lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project and establish and revise the rents or charges for them.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest in property.

(d) Acquire any real property by eminent domain.

(e) Sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it.

(f) Insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

(g) Procure insurance or guarantees from the Federal Government of the payment of all or part of any debts, whether or not incurred by the authority, secured by mortgages on any property included in any of its housing projects.

Same: Transfer to fire
protection
districts

34315.5. An authority may transfer real property not needed by the authority to a fire protection district for fire protection purposes without consideration if the board determines that such transfer is necessary or desirable to effectuate the purposes of the authority.

(Added by Stats. 1959, Ch. 522.)

Investment
of funds

34316. An authority may:

(a) Invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

(b) Purchase its bonds at a price not more than their principal amount and accrued interest; all bonds so purchased shall be canceled.

Investi-
gations

34317. Within its area of operation, an authority may:

(a) Investigate into living, dwelling, and housing conditions and into the means and methods of improving such conditions.

(b) Determine where slum areas exist or where there is a shortage of decent, safe, and sanitary dwelling accommodations for persons of low income.

(c) Make studies and recommendations relating to the problem of clearing, replanning, and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and cooperate with the city, the county, the State or any of its political subdivisions in action taken in connection with such problems.

(d) Engage in research, studies, and experimentation on the subject of housing.

34318. Acting through one or more commissioners or Same other person or persons designated by it, an authority may :

(a) Conduct investigations, hear testimony, and take proof under oath at public or private hearings on any matter material for its information.

(b) Administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers, and issue commissions for the examination of witnesses who are outside of the State, unable to attend before the authority, or excused from attendance.

(c) Make available to appropriate agencies, including those charged with the duty of abating nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

34319. An authority may exercise all or any part or combination of powers granted in Sections 34311 to 34318, inclusive. Additional powers

34320. No law concerning the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically so states. Application of other laws

34321. It is declared to be the policy of the State that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe, and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it finds necessary to produce revenue which, together with all other available money, income, and receipts of the authority, will be sufficient for all of the following: Operation for profit prohibited

(a) To pay, when due, the principal and interest on its bonds.

(b) To meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority.

(c) During not less than the six years immediately succeeding its issuance of any bonds, to create a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain the reserve.

Tenant
selection

34322. In the operation or management of housing projects an authority shall:

(a) Rent or lease the dwelling accommodations only to persons of low income and only at rentals within their financial reach.

(b) Rent or lease to a tenant dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the occupants, without overcrowding.

(c) Reject any person as a tenant in any housing project if he has an annual net income in excess of five times the annual rental of the quarters to be furnished, except that in the case of families with three or more minor dependents, the ratio shall not exceed six to one. In computing the rental for this purpose, there shall be included in the rental the average annual cost, as determined by the authority, to occupants of heat, water, electricity, gas, cooking range, and other necessary services or facilities, whether or not the charge for them is included in the rental.

(d) Prohibit subletting by tenants.

Construction

34323. Nothing contained in Sections 34321 and 34322 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project, cause the appointment of a receiver for it, or acquire title to it through foreclosure proceedings, free from all the restrictions imposed by such sections.

Cooperation

34324. Two or more authorities may join or cooperate in the exercise of the powers conferred by this chapter for the purpose of financing, planning, undertaking, constructing, or operating housing projects located within the area of operation of any one or more of the authorities.

Eminent
domain

34325. Pursuant to the Code of Civil Procedure an authority may acquire by eminent domain any real property which it deems necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described in it is necessary for such purposes. Property already devoted to a public use may be acquired by eminent domain, but real property belonging to the city, the county, the State, or any of its political subdivisions shall not be acquired without its consent.

Application
of planning,
etc., laws

34326. All housing projects are subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which it functions.

34327. An authority may:

Aid from
Federal
Government

(a) Borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation.

(b) Take over, lease, or manage any housing project or undertaking constructed or owned by the Federal Government.

(c) For these purposes, comply with such conditions and enter into any mortgages, trust indentures, leases, or agreements necessary, convenient, or desirable.

It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance, or operation of any housing project by an authority.

34327.5. Whether or not the type, amount, and manner of expenditure of any funds received by an authority from the Federal Government, or any funds derived from such funds, are in accordance with the law or contract under which the funds were received, or any applicable federal regulations, shall be matters to be determined exclusively by the federal agency. This section is not intended, and shall not be construed, to prohibit prosecution and conviction of violation of any law of this State. Control by federal agency

(Added by Stats. 1959, Ch. 1812.)

34327.6. All funds of housing authorities not subject to audit by a federal agency shall be audited at least once each year at the expense of the housing authority by the State Department of Finance or, at the option of the housing authority, by a certified public accountant approved by the Director of Finance. If the audit is made by a certified public accountant, a copy of the audit shall be filed with the Department of Finance. Audit

(Added by Stats. 1959, Ch. 1812.)

34328. At least once a year, an authority shall file with the clerk a report of its activities for the preceding year and make recommendations with reference to additional legislation or other action which it deems necessary to carry out the purposes of this chapter. Reports

34328.2. The mayor or any member of the governing body of the city in the case of a city authority or any member of the governing body of the county in the case of a county authority shall not have any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor shall such persons have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with the construction, repair, or maintenance of any housing project. Nothing contained in this section shall prevent the authority from accepting the lowest bid on a bid contract. Prohibited interests

This section has no application to contracts awarded to corporations in which any such person owns less than 1 percent of the entire capital stock.

(Added by Stats. 1953, Ch. 1815.)

Article 5. Bonds

Issuance 34350. An authority may issue bonds for any of its corporate purposes. An authority may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

Types 34351. An authority may issue such types of bonds as it determines, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the housing project financed with the proceeds of the bonds, or with such proceeds together with a grant from the Federal Government in aid of the project.

(b) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) From its revenues generally.

Additional security 34352. Any of the bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing project or other property of the authority.

Exemption from liability 34353. Neither the commissioners of an authority nor any person executing the bonds are liable personally on the bonds by reason of their issuance. The bonds and other obligations of an authority are not a debt of the city, county, State, or any of its political subdivisions and neither are they liable on the bonds, nor are the bonds or obligations payable out of any funds or properties other than those of the authority; and the bonds shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation.

Bond provisions 34354. By resolution, an authority may authorize bonds. The resolution, its trust indenture, or mortgage may provide for:

(a) The issuance of bonds in one or more series.

(b) The date the bonds shall bear.

(c) The date of maturity.

(d) The interest rate, not exceeding four and one-half percent ($4\frac{1}{2}\%$) a year.

(e) The denomination of the bonds.

(f) The form of the bonds, either coupon or registered.

(g) The conversion or registration privileges which the bonds shall carry.

(h) The rank or priority of the bonds.

(i) The manner of execution of the bonds.

(j) The medium of payment in which the bonds are payable.

(k) The place of payment.

(l) The terms of redemption, with or without premium.

Public sale 34355. The bonds may be sold at not less than par at public sale. At least five days prior to the sale, notice shall be published once in a newspaper having a general circulation in the city or the county and in a financial newspaper published in the City

Notice

and County of San Francisco or in the City of Los Angeles. The bonds may be sold at not less than par to the Federal Government at private sale without any public advertisement.

34356. If any authority commissioner or officer whose signature appears on bonds or coupons ceases to be commissioner or officer before delivery of the bonds, his signature is as effective as if he had remained in office. Bonds issued pursuant to this chapter are fully negotiable. Effect of signature

34357. In any proceedings involving the validity or enforceability of any bond or its security, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income is conclusively deemed to have been issued for a housing project of such character and the project is conclusively deemed to have been planned, located, and constructed pursuant to this chapter. Effect of recitals

34358. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of the bonds or obligations, an authority has the powers conferred by Sections 34359 to 34365, inclusive. Powers of authority:

34359. An authority may:

(a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence. Pledges

(b) Mortgage all or any part of its real or personal property then owned or thereafter acquired. Mortgages

34360. An authority may:

Covenants

(a) Covenant against pledging all or part of its rents, fees, and revenues, against mortgaging all or part of its real or personal property, to which its right or title then exists or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property.

(b) Covenant with respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any housing project.

(c) Covenant as to what other or additional debts or obligations may be incurred by it.

(d) Covenant as to the bonds to be issued, as to their issuance in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(e) Provide for the replacement of lost, destroyed, or mutilated bonds.

(f) Covenant against extending the time for the payment of its bonds or interest on them.

(g) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

34361. An authority may:

Same

(a) Covenant as to the rents and fees to be charged in the operation of a housing project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.

(b) Create or authorize the creation of special funds for money held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the money held in the funds.

Procedure

34362. An authority may prescribe procedure by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent, and the manner in which consent may be given.

Covenants

34363. An authority may:

(a) Covenant as to the use of any or all of its real or personal property.

(b) Covenant as to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

(c) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

Trustees

34364. An authority may:

(a) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(b) Vest in a trustee the right, in the event of a default by the authority, to take possession and use, operate, and manage all or part of any housing project, to collect the rents and revenues arising from it, and to dispose of the money pursuant to the agreement of the authority with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

Additional powers

34365. An authority may exercise all or any part or combination of the powers granted in Sections 34359 to 34364, inclusive, and make covenants other than the covenants expressly authorized in such sections, of like or different character. An authority may make covenants and do any and all acts and things necessary, convenient, or desirable to secure its bonds, or which will tend to make them more marketable notwithstanding that such covenants, acts, or things are not enumerated in this chapter.

Certification of validity by Attorney General

34366. Any authority may submit to the Attorney General any bonds to be issued pursuant to this chapter after all proceedings for their issuance have been taken. Upon such submission the Attorney General shall examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection with them. If the proceedings conform to this

chapter and are otherwise regular in form and if the bonds when delivered and paid for will constitute binding and legal obligations of the authority enforceable according to their terms, the Attorney General shall certify in substance upon the back of each bond that it is issued in accordance with the Constitution and state laws.

34367. Subject only to any contractual restrictions binding upon him, an obligee may: Rights of obligee

(a) By proper proceeding compel the authority and its commissioners, officers, agents, or employees to perform each and every provision contained in any contract of the authority with or for his benefit, and require the carrying out of any or all the covenants and agreements of the authority and the fulfillment of all duties imposed upon it by this chapter.

(b) By proper proceeding enjoin any acts or things which may be unlawful, or the violation of any of his rights by the authority.

34368. By its resolution, trust indenture, mortgage, lease, or other contract an authority may confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the following rights to be exercised upon the happening of an event of default defined in the resolution or instrument, by proceeding in any court of competent jurisdiction: Obligees holding bonds

(a) To cause possession of all or part of any housing project to be surrendered to him.

(b) To obtain the appointment of a receiver of all or part of any housing project and of the rents and profits from it. If the receiver is appointed, he may enter and take possession of the housing project or the part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and keep such money in a separate account and apply it pursuant to the obligations of the authority as the court directs.

(c) To require the authority and its commissioners to account as if it and they were the trustees of an express trust.

34369. Notwithstanding any restrictions on investments contained in any laws of this State, the State, all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by an authority pursuant to this chapter, or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions Bonds or obligations as legal investments

to be paid by the United States Government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits.

(Added by Stats. 1953, Ch. 93, as part of codification.)

Same 34370. It is the purpose of Section 34369 to authorize any person, political subdivision, body, or officer, public or private, to use any funds owned or controlled by him or it, including sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations.

Nothing in Section 34369 relieves any person from any duty of exercising reasonable care in selecting securities.

(Added by Stats. 1953, Ch. 93, as part of codification.)

Application of provisions 34371. Insofar as the provisions of Sections 34369 and 34370 are inconsistent with the provisions of any other law, the provisions of the sections are controlling.

(Added by Stats. 1953, Ch. 93, as part of codification.)

Article 6. Claims

(Article 6 added by Stats. 1959, Ch. 1727)

Governing law 34380. All claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Added by Stats. 1959, Ch. 1727.)

CHAPTER 1.5. TAX EXEMPTION OF HOUSING AUTHORITY PROPERTY

(Ch. 1.5 added by Stats. 1953, Ch. 93, as part of codification)

Legislative declaration 34400. It has been found and declared in the Housing Authorities Law and the Housing Cooperation Law (a) that there exist in the State housing conditions which constitute a menace to the health, safety, morals and welfare of the residents of the State; (b) that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident prevention, and other public services and facilities; (c) that the public interest requires the remedying of these conditions by the creation of housing authorities to undertake projects for slum clearance and for providing safe and sanitary dwelling accommodations for persons who lack sufficient income to enable them to live in decent, safe and sanitary dwellings without overcrowding; and (d) that such housing projects are for public uses and purposes and are governmental functions of state concern. As a matter of legislative determination, it is hereby found and declared that the property and bonds of a housing authority are of such character as shall be exempt from taxation.

(Added by Stats. 1953, Ch. 93, as part of codification.)

34401. The property of an authority is exempt from all taxes and special assessments of the State or any city, county, or political subdivision of the State. In lieu of such taxes or special assessments the authority may agree to make payments to any city, county, or political subdivision of the State for services, improvements, or facilities furnished by such city, county, or political subdivision for the benefit of a housing project owned by the authority; but in no event shall such payments exceed the estimated cost to such city, county, or political subdivision of the services, improvements, or facilities.

In lieu
payments

(Added by Stats. 1953, Ch. 93, as part of codification.)

34402. The bonds of an authority are issued for an essential public and governmental purpose, and, together with interest thereon and income therefrom, are exempt from all taxes.

Exemption
of bonds

(Added by Stats. 1953, Ch. 93, as part of codification.)

CHAPTER 2. HOUSING COOPERATION LAW

34500. This chapter may be cited as the Housing Cooperation Law.

Short title

34501. It has been found and declared in the Housing Authorities Law that there exist in the State unsafe and insanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is found and declared that:

Declaration
of necessity

(a) The assistance provided for in this chapter for the remedying of the conditions set forth in the Housing Authorities Law constitutes a public use and purpose and an essential governmental function for which public money may be spent and other aid given.

(b) It is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project.

(c) The provisions of this chapter are necessary in the public interest.

34502. The powers conferred by this chapter are supplemental to the powers conferred by any other law.

Supple-
mental
powers

34503. Unless the context otherwise requires the definitions contained in the following sections govern the construction of this chapter.

Construction

34504. "Housing authority" means any housing authority created pursuant to the Housing Authorities Law.

"Housing
authority"

"Housing projects"

34505. "Housing projects" means any work or undertaking of a housing authority pursuant to the Housing Authorities Law or any similar work or undertaking of the Federal Government.

"State public body"

34506. "State public body" means any city, county, borough, commission, district, authority, or other subdivision or public body of the State.

"Governing body"

34507. "Governing body" means the council, board of supervisors, board of trustees, or other body having charge of the fiscal affairs of the state public body.

"Federal Government"

34508. "Federal Government" means the United States, the Federal Emergency Administration of Public Works, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

Powers of state public body

34509. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of housing projects located within the area in which it is authorized to act, any state public body may exercise the powers prescribed in Sections 34510 to 34518, inclusive, upon such terms, and with or without consideration, as it may determine.

Disposition of property

34510. A state public body may dedicate, sell, convey, or lease any of its property to a housing authority or the Federal Government.

Parks, etc.

34511. A state public body may cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects.

Roads, etc.

34512. A state public body may furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

Zoning, etc.

34513. A state public body may:

(a) Plan or replan, zone or rezone any part of its territory.

(b) Make exceptions to building regulations and ordinances.

Change of map by city, etc.

34514. Any city or city and county also may change its map.

Agreements with Federal Government

34515. A state public body may enter into agreements with a housing authority or the Federal Government respecting action to be taken by the state public body pursuant to this chapter. Notwithstanding any law to the contrary, the agreements may extend over any period of time not to exceed 45 years from the end of the year in which any such project becomes available for occupancy. Such time limitation shall not apply to any agreements entered into prior to the effective date hereof.

(Amended by Stats. 1953, Ch. 1803.)

34516. A state public body may :

Same

(a) Do any and all things, necessary or convenient, to aid and cooperate in the planning, undertaking, construction, or operation of such housing projects.

(b) Purchase or legally invest in any of the bonds of a housing authority and exercise all of the rights of any holder of the bonds.

34517. With respect to any housing project which a housing authority has acquired or taken over from the Federal Government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation, and other protection, a state public body shall not require any changes to be made in the housing project or the manner of its construction or take any other action relating to its construction.

Acquisition
from
Federal
Government

34518. A state public body may incur the entire expense of any public improvements made by it in exercising the powers granted in this chapter. Any law to the contrary notwithstanding, a state public body may make any sale, conveyance, lease, or agreement provided for in Sections 34510 to 34517, inclusive, without appraisal, public notice, advertisement, or public bidding.

Expense
of public
improvement

Prior to entering into any cooperation agreement the governing body of any state public body shall hold a public hearing for the purpose of giving interested persons an opportunity to be heard as to whether such cooperation agreement should be entered into.

Notice of such hearing shall be published pursuant to Section 6066 of the Government Code prior to the date of hearing. At least three copies of the proposed cooperation agreement submitted to the governing body shall be available for inspection by interested persons prior to the public hearing.

Notice

The cooperation agreement may provide that there shall be a public hearing prior to the approval by the governing body of a county or city of any site for a public housing project.

The executed cooperation agreement shall be conclusive evidence that all proceedings prior thereto under this section have been in full compliance with this section.

(Amended by Stats. 1953, Ch. 1803, and by Stats. 1957, Ch. 357.)

34519. In connection with any housing project located wholly or partly within the area in which it is authorized to act, any state public body may contract with a housing authority or the Federal Government with respect to the sum which it may agree to pay during any period to the state public body for the improvements, services, and facilities to be furnished by it for the benefit of the housing project. The amount of the payments shall not exceed the estimated cost to the state public body of the improvements, services, or facilities to be furnished. The absence of a contract for such payments does not relieve any state public body from the duty to furnish for the benefit of

Contracts
for services

the housing project the customary improvements and the services and facilities it usually furnishes without a service fee.

Appropriations to housing authorities

34520. When any housing authority created for any city or county becomes authorized to transact business and exercise its powers, the governing body of the city or county shall immediately make an estimate of the amount necessary for the administrative expenses and overhead of the housing authority during its first year, and may appropriate the amount to the authority as a loan or donation. Any city or county located wholly or partially within the area of operation of a housing authority may lend or donate money to the authority or agree to do so. When it has money available, the housing authority shall make reimbursements for all such loans made to it.

Procedure for exercising powers

34521. The exercise by a state public body of the powers granted in this chapter may be authorized by resolution adopted by a majority of the members of its governing body. (Amended by Stats. 1953, Ch. 1803.)

PART 2.5. CONTRACTS OF REDEVELOPMENT AGENCIES AND HOUSING AUTHORITIES

(Part 2.5 added by Stats. 1959, Ch. 1695)

Applicability of provisions

34600. This part applies only to redevelopment agencies organized under Part 1 (commencing at Section 33000) and housing authorities organized under Part 2 (commencing at Section 34200) of this division which are existing and functioning in counties with a population of more than 80,000 and less than 90,000, as determined by the 1950 Federal Census. (Added by Stats. 1959, Ch. 1695.)

Contracts with school districts

34601. A redevelopment agency or housing authority which has acquired by purchase or gift any temporary housing project or projects, including temporary veterans' emergency housing projects, from the Federal Government or its assigns may, with respect to any such projects only, enter into a contract with any school district to provide for the furnishing of improvements, services, and facilities by the school district for the benefit of the housing project.

(Added by Stats. 1959, Ch. 1695.)

Same: Contents

34602. The contract shall fix the sum which the redevelopment agency or housing authority is to pay during any period for such improvements, services, and facilities. This sum may be in addition to any payments in lieu of taxes which are to be made by the redevelopment agency or housing authority to the school district. The sum shall not exceed the difference between the estimated cost to the school district of furnishing the improvements, services, and facilities and any amount to be received by the school district in lieu of taxes. The contract may provide that payments by the redevelopment agency or housing authority may be made in cash or in services and

facilities to be rendered or supplied by the redevelopment agency or housing authority to the school district or both. The contract may fix the value of such services and facilities.

(Added by Stats. 1959, Ch. 1695.)

34603. Any payment received pursuant to the provisions of this part may be deposited by the governing board of the school district in any fund but the general fund of the district.

Deposit of
payments

(Added by Stats. 1959, Ch. 1695.)

34604. The absence of any contract authorized by Section 34601 of this act does not relieve any school district from the duty to furnish for the benefit of any housing project the customary improvements, services, and facilities that the school district usually furnishes without a service fee.

Duty of
school
districts

(Added by Stats. 1959, Ch. 1695.)

34605. The provisions of this part pertain to temporary housing projects only and may not be applied to permanent low-rent housing projects.

Limitations

(Added by Stats. 1959, Ch. 1695.)

34606. This part shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature. While this part is in effect, it supersedes any existing provisions of law which are in conflict with this part, but such provisions will not be repealed by this part and after this part is no longer effective, they shall have the same force as though this part had not been enacted; and this part shall not constitute a precedent.

Duration

(Added by Stats. 1959, Ch. 1695.)

PART 3. HOUSING CORPORATIONS

CHAPTER 1. LIMITED DIVIDEND HOUSING CORPORATIONS LAW

Article 1. General Provisions

34800. This chapter may be cited as the Limited Dividend Housing Corporations Law.

Short title

34801. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

Construction

34802. "Commission" means the Commission of Housing.

"Commis-
sion"

34803. "Corporation" means limited dividend housing corporation formed pursuant to this chapter.

"Corpora-
tion"

34804. "Actual cost" means the cost of the land and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital, when such charges have been approved by the commission.

"Actual
cost"

34805. "Fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges approved by the commission.

"Fixed
charges"

"Security"

34806. "Security" includes any share, stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, or beneficial interest in title to property, profits, or earnings, or any other instrument commonly known as a security.

"Slum area"

34807. "Slum area" means any area of property partially or totally occupied by deteriorated, obsolete, unsafe, or unsanitary single or multiple dwellings. The determination of whether any building is in such condition rests solely with the commission.

Service on commission

34808. Any notice or other written instrument may be served upon the commission by delivering it to the chairman, vice chairman, or secretary of the commission, or, if none of them can be found, by leaving a copy at the office or usual place of business of the commission with the person in charge.

Public park land

34809. If any city in which a project approved by the commission is located determines that any land included in the project should be maintained as a public park or grounds, the city may purchase or accept the land and maintain it as a public park or grounds. Any city may also determine that any of its real property is not required for use by it and sell or lease the property to a corporation. Any charter provision inconsistent with this section prevails.

Article 2. Formation of Limited Dividend Housing Corporations

Formation

34830. Corporations may be formed pursuant to this chapter for the purpose of providing housing for families of low income or reconstructing slum areas.

Laws applicable

34831. The laws relating to corporations generally are applicable to limited dividend housing corporations unless they are inconsistent with this chapter.

Certificate of approval

34832. Before the articles of incorporation of a corporation may be filed in the office of the Secretary of State, there shall be attached to them a certificate of the commission approving them.

Additional requirements

34833. In addition to other requirements of law, the articles shall set forth:

(a) That one of the purposes for which the corporation is formed is that of providing housing for families of low income or of reconstructing slum areas.

(b) The par value of all shares of capital stock of the corporation. All shares shall have a par value.

(c) That the corporation will be subject to supervision and control of the commission or other appropriate state authority, and subject to the State Housing Law and this chapter.

Article 3. Powers and Duties of Limited Dividend Housing Corporations

34860. When authorized by the commission, a corporation may: Powers and
duties:

(a) Borrow money from, or sell, pledge, or discount its securities to, the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established by the United States.

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or any other corporation or agency established by the United States.

(c) Comply with any regulations of the Reconstruction Finance Corporation.

34861. A corporation shall not acquire any real property or interest in it without first obtaining from the commission a certificate approving the acquisition. Acquiring
real property

34862. Without the prior approval of the commission, a corporation shall not sell, transfer, assign, or lease any real property to any person, except that leases conforming to the regulations of the commission may be made without its consent. Sale, etc., of
real property

34863. A corporation shall not charge or accept any rental, fee, or other charge for housing accommodations in any building constructed, acquired, operated, sold, or managed by it in excess of the prices prescribed by the commission. Rental
fees, etc.

34864. Without the prior consent of the commission, a corporation shall not mortgage or otherwise encumber real property. It shall not pay interest on such encumbrance in excess of an amount permitted by the commission. Mortgaging,
etc., realty

34865. A corporation shall not use any building erected or acquired by it for other than housing purposes, except that: Use of
buildings

(a) When permitted by law, and consented to by the commission, the cellar and basement and the story above the cellar or basement may be used for stores, commercial, cooperative, or community purposes.

(b) When permitted by law the roof of the building may be used for cooperative or community purposes.

34866. A corporation shall not enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees until the contracts have been approved by the commission. Contracts

34867. A corporation shall not effect any reorganization, unless authorized by the commission. Reorganiza-
tion

34868. A corporation shall not voluntarily dissolve or transfer all or substantially all of its assets without first obtaining the consent of the commission. Voluntary
dissolution,
etc.

34869. A corporation shall not make any guaranty without the approval of the commission. Guaranty

34870. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter and any transfer or assignment of them is void. Effect of
violation

Approval
of project

34871. A corporation shall not start or undertake a housing project without the approval of the commission.

Conditions
of approval

34872. The commission shall not approve a housing project unless:

(a) It appears practicable to rent or sell the proposed housing accommodations at prices not exceeding those prescribed by the commission.

(b) The project conforms to the zoning or building ordinance of the locality where it is located.

(c) There is submitted to and approved by the commission a financial plan in the form and with the assurances prescribed by the commission stating the method of making funds available for the actual cost of the land and improvements. The plan may also provide for the raising of working capital through the sale of its securities in an amount to be approved by the commission, not to exceed 5 percent of the estimated cost of the project.

Same

34873. The commission shall not approve a housing project unless there is submitted to and approved by the commission, plans setting forth:

(a) The area and location of the project.

(b) Plans of site development with plans, elevations, and perspective of typical houses and groups of houses.

(c) Specifications and estimates of cost of the project.

(d) A reasonable scheme of protective restrictions and of permanent maintenance of neighborhood and architectural control.

Acquisition
of property

34874. When the commission has approved a project of a corporation formed for the sole purpose of clearing or reconstructing slum areas, the corporation may acquire the property necessary for the project by gift, bequest, purchase, or eminent domain.

Eminent
domain

34875. The power of eminent domain shall not be exercised by a corporation except with the specific authorization of the commission.

Authoriza-
tion
certificate

34876. The authorization shall be contained in a certificate of the commission specifying that after public hearing the commission has determined that the acquisition of the property by eminent domain and the construction of the housing on the property is in the public interest and necessary for the public use.

Notice and
hearing

34877. The hearing shall be held at a time and place appointed by the commission. At least 10 days prior to the hearing the corporation shall give notice of the hearing by publication in a newspaper designated by the commission and published or circulated in the city or county where the property is located.

Certificate
as evidence

34878. A duly certified copy of the certificate of the commission is conclusive evidence of the matters certified in it in any proceeding in eminent domain to acquire property or any part of it set forth in the certificate.

34879. It is declared that congested, unsafe, and unsanitary housing conditions which exist in certain slum areas of this State are a menace to the health, safety, morals, and reasonable comfort of the residents of this State. The correction of these conditions is a public necessity and the acquisition of property necessary to permit the clearance and reconstruction of slum areas is declared to be a public use within the meaning of the laws relating to proceedings in eminent domain. Declaration

Article 4. Powers and Duties of the Commission of Housing

34900. The commission may order any corporation to make at its expense the repairs and improvements which will preserve or promote the health and safety of the occupants of buildings owned or operated by it. Regulation of corporations: improvements

34901. The commission may order any corporation to do acts necessary to comply with, or to refrain from doing acts in violation of, law, regulations of the commission, or the terms of any project approved by the commission. Ordering compliance, etc., with laws

34902. The commission may examine the corporation and keep informed as to its general condition, its capitalization, and the manner in which its property is constructed, leased, sold, operated, or managed. Examination

34903. The commission may investigate the affairs of a corporation and its dealings, transactions, or relationships with other persons. Investigation

34904. Either through its members or agents duly authorized by it, the commission may enter upon and inspect the property, equipment, buildings, plants, offices, apparatus, and devices of a corporation, and examine all of its books, contracts, records, documents, and papers. Inspection

34905. The commission may prescribe uniform methods and forms of keeping corporation accounts, records, and books and by order prescribe accounts in which particular outlays and receipts shall be entered, charged, or credited. Prescribing accounting, etc., procedure

34906. The commission may require a corporation to file with it periodic reports setting forth information required by the commission, verified by the oath of the president, general manager, receiver, or other person required to file it. The report shall be in the form, cover the period, and be filed at the time prescribed by the commission. The commission may require specific answers to questions upon which it desires information. Requiring reports

34907. The commission may make, amend, and repeal regulations for carrying this chapter into effect. Making, etc., regulations

34908. The commission may conduct any investigation provided for by this chapter or appoint a person or committee of one or more commission members to do so. Investigations

34909. To carry out the purposes of this chapter, each member of the commission has the powers conferred upon the head of a department by Article 2, Chapter 2, Part 1, Division 3, Title 2 of the Government Code. Power of members

Fees 34910. The commission may charge and collect from a corporation reasonable fees in accordance with rates established by the regulations of the commission:

(a) For the examination of plans and specifications and the supervision of construction, in an amount not to exceed one-half of 1 percent of the estimated cost of the project.

(b) For any investigation made upon application of a corporation for any act done by the commission, or its employees, in performance of their duties under this chapter, an amount reasonably calculated to meet the expenses of the commission incurred in the investigation. The commission may authorize a corporation to include such fees as part of the actual cost of a project.

**Fixing
rentals**

34911. The commission shall fix and may revise the maximum rental per room charged the tenants of the housing accommodations furnished by the corporation, determined upon the basis of the actual cost of the project so that the rentals and all other income of the corporation will be sufficient to meet all fixed charges, dividend and interest requirements, and other charges of the corporation approved by the commission.

**Fixing
charges**

34912. The commission shall fix the price, terms of payment, rate of interest on deferred payments, and all other charges. The sale price shall be determined upon the basis of actual cost of the project so that the income from sales with other income of the corporation will be sufficient to meet and repay the actual cost and fixed charges. Such prices, interest, and other charges may be revised with the approval of the commission.

**Rules
regarding
resale, etc.**

34913. The commission shall make reasonable rules regarding the resale, leasing, or subletting of property after a sale by the corporation, to prevent undue speculation in the property. The rules shall be in effect until the full purchase price and all outstanding obligations have been paid to the corporation.

**Consolidation, etc., of
project**

34914. Upon application submitted in the manner required for the original project, the commission may permit the consolidation of two or more approved projects, the extension or amendment of any approved project, or the consolidation of any approved project with a proposed project. The commission shall not give its consent unless it is shown to its satisfaction that the consolidated or extended project is one that can be successfully operated pursuant to this chapter. The permissible rents, sales prices, and other charges may be average throughout the consolidated or extended project. The commission may likewise permit or decline to permit any corporation to organize and operate more than one project or to take over any project approved by the commission and to operate it independently of its other projects.

**Action
against
corporation**

34915. The commission may bring a proceeding against any corporation to enforce the provisions of this chapter or of any order, permit, license, demand, or requirement of the commission, or to restrain their violation or threatened violation or

compel the performance of any act required by them. The proceeding shall be brought in the name of the people of the State of California, in the superior court of the county in which the corporation has its principal place of business.

34916. Every order, decision, permit, or other official act of the commission is subject to review pursuant to law within 20 days after its rendition. The burden of proof lies upon the appellant and the court shall receive and consider any pertinent oral or documentary evidence concerning the action of the commission under review. The court shall consider and determine only the question of whether there has been an abuse of discretion by the commission.

Review of
order, etc.

34917. If a mortgagee, trustee, or beneficiary commences foreclosure proceedings under a mortgage or deed of trust, a copy of the complaint or notice of breach and intention to sell shall be served upon the commission within 30 days of the filing of the complaint or the recording of the notice. Upon receipt of the copy, the commission shall immediately take the steps it deems necessary to protect the rights of all parties. If a limited dividend housing corporation bids and pays for the property at any sale in such action or under such power of sale a price sufficient to cover court costs and all liens or charges on the property, with interest, the property shall be sold to such corporation; otherwise the property may be sold free of all restrictions imposed by this chapter.

Foreclosure
proceedings

34918. When a corporation subject to the supervision of the Division of Banking or the Division of Insurance in the Department of Investment, or the Federal Government or any of its agencies has loaned on a mortgage or deed of trust which is a lien upon the property of a limited dividend housing corporation, Section 34917 does not apply, except that the commission shall be notified of any foreclosure proceedings and shall take all steps necessary to protect the rights of all parties.

Same:
Notice to
commission

34919. In the event of a judgment against a corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, there shall not be a sale of any of its real property except upon 60 days' written notice to the commission. Upon receipt of such notice the commission shall take such steps as in its judgment are necessary to protect the rights of all parties.

Judgment
against
corporation

Article 5. Financial Provisions

34940. A stockholder in a corporation shall not receive or accept from the corporation in the repayment of his investment in its stock any sum in excess of the par value of the stock, current dividends not to exceed 6 percent a year of its par value, and any cumulative dividends to which he is entitled.

Dividends
limited

34941. If required by the commission, the corporation shall deposit all money received by it as proceeds of the sale of its securities with a corporation in the State authorized to do trust business and to perform trust functions. The trustee

Disposition
of proceeds

shall receive the money and make payment from it for the acquisition of the land, the construction of improvements, and other items entering into the actual cost of the project upon presentation of an order signed by a proper corporation officer, and if required by the commission, countersigned by a commission member or a person designated by the commission. If upon the completion of the project the corporation has made full payment, or has arranged for payment in a manner satisfactory to the commission, any money remaining in the custody of the trustee shall be paid to the corporation.

Net earnings,
surplus

34942. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, dividend, and interest requirements approved by the commission, and other charges required or approved by the commission, is subject to the approval of the commission. The amount of such surplus shall not exceed 15 percent of the outstanding capital stock and obligation of the corporation, but the surplus shall not be deemed to include any increase in assets due to reduction of mortgage or bonded indebtedness or other similar payments. Unless the commission deems it too small, the balance of yearly net earnings in excess of the amount transferred to surplus shall be applied to the reduction of rentals on rental properties, the improvement of properties for sale, or the reduction of the sale price, as the commission prescribes.

Corp. C.,
§25000, ff.

34943. The provisions of the Corporate Securities Law not inconsistent with this chapter apply to a corporation formed under this chapter.

Sale of
securities:
Permit

34944. Before the Corporation Commissioner issues a permit for the sale of any securities there shall be on file with him a certificate of the commission approving the project.

Restrictions

34945. A corporation shall not:

(a) Pay any dividends on its shares of stock at a rate in excess of 6 percent of their par value.

(b) Issue securities covering any project in an aggregate amount greater than the actual cost of the project, plus an allowance for working capital, not exceeding 5 percent of the estimated cost of the project or the actual cost if it is greater than the estimated cost.

(c) Issue securities except in exchange for money or property actually received for the use and lawful purpose of a corporation, or for services actually rendered to a corporation; securities shall not be issued for property except upon a valuation approved by the commission, and such valuation shall be used in computing actual or estimated costs.

Bond issues

34946. Each authorized issue of bonds shall relate to one specific project and shall be secured by mortgages or deeds of trust upon all the real property of which the project consists, except where units of the project are to be offered for sale, upon the approval of the commission, bonds may be issued in an amount to cover each unit of sale or to cover the entire project and may be paid off at any time.

34947. The bonds, mortgages, or deeds of trust may contain provisions approved by the commission including the right to assignment of rentals and entry into possession in case of default, but the operation of the housing projects after entry by mortgagees, trustees, or receivers is subject to regulation by the commission pursuant to this chapter. Permissive provisions

34948. The mortgages or trust deeds may create a first lien and a second lien upon all the real property embraced under the project. Lien

CHAPTER 2. COMMUNITY LAND CHEST LAW

Article 1. General Provisions

35100. This chapter may be cited as the Community Land Chest Law. Short title

35101. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter. Construction

35102. "Commissioner" means the Commissioner of Corporations of the Division of Corporations, Department of Investment. "Commissioner"

35103. "Actual cost" means the cost of the land and buildings, charges for financing and supervision, and carrying charges during construction, including interest on borrowed money and invested capital. "Actual cost"

35104. "Fixed charges" includes all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges. "Fixed charges"

35105. "Security" includes any stock, bond, note, treasury note, debenture, evidence of indebtedness, certificate of interest or participation, profit sharing agreement or certificate of interest in it, collateral trust certificate, transferable share, investment contract, or other instrument commonly known as a security. It does not include mortgages, trust deeds, bills of exchange, trade acceptances, promissory notes, or other commercial paper, issued or given in the ordinary course of business, and not offered for sale to the public or not sold to an underwriter for the purpose of resale. "Security"

35106. "Corporation" means land chest corporation formed pursuant to this chapter. "Corporation"

35107. A corporation having shares of capital stock, or any of its agents or officers, shall not use or permit to be used as part of the corporate name of the corporation the words "land chest" or "community land chest." Every nonprofit corporation organized before or after May 25, 1933, having as any part of its corporate name the words "land chest" or "community land chest" is subject to this chapter and shall not transact any business in the State unless it has complied with this chapter. Corporate name

35108. Every person violating any of the provisions of this chapter is guilty of a misdemeanor. Penalty

Article 2. Formation of Land Chest Corporations

Corporations 35130. Pursuant to this chapter corporations may be formed for the purpose of providing housing in rural and suburban areas for families of low income.

Law applicable 35131. The laws relating to nonprofit corporations generally apply to corporations formed under this chapter, except where inconsistent with the provisions of this chapter.

Approval by commissioner 35132. Before the articles of incorporation of any corporation may be filed in the office of the Secretary of State, there shall be attached to them a certificate of the commissioner approving them.

Articles of incorporation 35133. In addition to other requirements of law, the articles of incorporation shall set forth :

(a) That the corporation is formed wholly for the purpose of providing housing in rural and suburban areas for families of low income.

(b) That the corporation will be subject to the supervision and control of the Commissioner of Corporations or other appropriate state authority and subject to this chapter.

(c) That upon liquidation or dissolution of the corporation any surplus remaining after the payment of debts and obligations and the repayment to the corporation members of the respective amounts of their subscriptions, contributions, fees, dues, and assessments, will revert to the State.

Article 3. Powers and Duties of Land Chest Corporations

Powers and duties 35160. A corporation may :

(a) Borrow money from, or sell, pledge, or discount its securities, or mortgage, pledge, or otherwise hypothecate its property to, the Reconstruction Finance Corporation, Federal Home Loan Bank, or any other corporation or agency established by the United States or the State.

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or of any other corporation or agency established by the United States or the State.

(c) Comply with any regulations of the Reconstruction Finance Corporation.

Approval of projects 35161. A corporation shall not start or undertake a housing project without the approval of the commissioner.

Requirements 35162. The commissioner shall not approve a housing project unless :

(a) It appears practicable to rent or sell the proposed housing accommodations at rentals or sales prices not exceeding those prescribed by the commissioner.

(b) The project conforms to any zoning or building ordinance of the locality where it is located.

(c) There is submitted to and approved by the commissioner a financial plan in the form prescribed by him setting

forth the method of making money available for the actual cost of the land and improvements, and the cost of organization, administration, maintenance, and operation.

35163. The commissioner shall not approve a housing project unless there is submitted to and approved by him plans setting forth: Same

(a) The area and location of the project.

(b) Plans of development.

(c) Estimates of cost of the project.

(d) Estimated rentals and selling prices of properties to be rented or sold, terms of payment, and interest rates upon deferred payments.

35164. Except pursuant to the regulations of the commissioner or, if there is none, with his approval, a corporation shall not: Acts prohibited

(a) Acquire any real property or interest in it.

(b) Sell, transfer, assign, or lease any real property to any person.

(c) Charge or accept any rental, fee, or other charge for housing accommodations in any building constructed, acquired, operated, sold, or managed by it.

(d) Mortgage or otherwise encumber any real property.

(e) Use any building erected or acquired by it for other than housing and incidental purposes.

(f) Enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees.

(g) Effect any reorganization.

(h) Voluntarily dissolve or transfer all or substantially all of its assets.

(i) Make any guaranty.

35165. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter and any transfer or assignment of them is void. Effect of violation

35166. If a corporation is liquidated or dissolved, its assets remaining after paying or adequately providing for its debts and obligations shall be distributed to its members to the extent of the payments of contributions, subscriptions, fees, dues, and assessments paid to it by each member, without interest or profit. The remainder of the assets revert to the State. Liquidation, etc.

Article 4. Powers and Duties of the Commissioner of Corporations

35190. The commissioner may make, amend, and repeal regulations for carrying this chapter into effect. Rules and regulations

35191. The commissioner may fix and revise the maximum rental charged tenants of the housing accommodations rented by a corporation, determined upon the basis of the actual cost of the project so that the rentals, with all other income of the corporation, will be sufficient to meet all fixed charges, interest requirements, and other charges of the corporation approved by the commissioner. Powers of commissioner:
Fixing rentals

Fixing price, etc.	35192. The commissioner may determine and fix the price, terms of payment, rate of interest on deferred payments, and all other charges of properties offered for sale or sold.
Examination	35193. The commissioner may examine all corporations and keep informed as to their general condition and the manner in which their property is acquired, constructed, leased, sold, operated, or managed.
Investigation	35194. The commissioner may investigate into the affairs of a corporation and its dealings, transactions, or relationships with other persons.
Inspection	35195. Either through his deputies or representatives, the commissioner may enter upon and inspect the property, equipment, buildings, plants, offices, apparatus, and devices of any corporation, and examine its books, contracts, records, documents, and papers.
Accounting, etc., methods	35196. The commissioner may prescribe uniform methods and forms of keeping accounts, records, and books to be observed by a corporation and prescribe by order accounts in which particular outlays and receipts shall be entered, charged, or credited.
Reports	35197. The commissioner may require every corporation to file with him periodic reports setting forth the information he requires, verified by the oath of the president, general manager, receiver, or person required to file it. The report shall be in the form, cover the period, and be filed at the time prescribed by the commissioner. The commissioner may further require specific answers to questions upon which he desires information.
Repairs, etc.	35198. The commissioner may order a corporation to make at its expense repairs and improvements which will preserve or promote the health and safety of the occupants of buildings owned or operated by it.
Compliance with laws, etc.	35199. The commissioner may order a corporation to do acts necessary to comply with, or to refrain from doing acts in violation of, law, regulations adopted by the commissioner, or the terms of any project approved by the commissioner.
Procedure on violation of laws, etc.	35200. The commissioner may immediately take possession of the property and business of a corporation and retain possession until it resumes business or its affairs are finally liquidated if any of the following events occur: (a) When it appears to the commissioner that the corporation has violated its articles of incorporation or any state law or is conducting its business in an unsafe or unsound manner. (b) The corporation refuses to submit its books and papers to the inspection of the commissioner or his authorized representative. (c) If it appears to the commissioner that the corporation is unsound or in an unsafe condition to transact the business for which it was organized, or that it is unsafe and inexpedient for it to continue to conduct its business.
Powers of commissioner	35201. If the commissioner takes possession of the property and business of any corporation he has the same powers

and duties with respect to it as are conferred upon the Superintendent of Banks with respect to banking institutions by the Financial Code and the commissioner may liquidate the corporation pursuant to the Financial Code so far as it is applicable.

(Amended by Stats. 1953, Ch. 495.)

35202. The commissioner may bring a proceeding against the corporation to enforce the provisions of this chapter or of any order, permit, license, demand, or requirement of the commissioner, to restrain their violation or threatened violation, or to compel the performance of any act required by them. The proceeding shall be brought in the name of the people of the State of California, in the superior court of the county in which the corporation has its principal place of business. Enforcement of provisions, etc.

35203. Every order, decision, permit, or other official act of the commissioner is subject to review pursuant to law within 20 days after its rendering. Review

The burden of proof lies upon the appellant, and the court shall receive and consider any pertinent oral or documentary evidence concerning the action of the commissioner under review. The court shall consider and determine only the question of whether there has been an abuse of discretion by the commissioner.

35204. The commissioner may charge and collect from a corporation reasonable fees in accordance with rates established by the regulations of the commissioner: Fees

(a) For the examination of plans and specifications and the supervision of any project, in an amount not to exceed one-half of 1 percent of the estimated cost of the project.

(b) For any investigation made upon application of a corporation for any act done by the commissioner or his employees, in performance of their duties under this chapter, an amount reasonably calculated to meet the expenses of the commissioner incurred in the investigation. The commissioner may authorize a corporation to include such fees as part of the actual cost of a project.

35205. If a mortgagee, trustee, or beneficiary commences foreclosure proceedings under a mortgage or deed of trust which is a lien upon corporation property, a copy of the complaint or notice of breach and intention to sell shall be served upon the commissioner within five days of the filing of the complaint or the recording of the notice. Upon receipt of the copy, the commissioner shall immediately take such steps as he deems necessary to protect the rights of all parties. Foreclosure proceedings

35206. In the event of a judgment against a corporation in any action not pertaining to the collection of an indebtedness secured by mortgage or deed of trust, sale of any of the real property of such corporation shall not be made except upon 60 days' written notice to the commissioner. Upon receipt of the notice the commissioner shall take such steps as in his judgment are necessary to protect the rights of all parties. Judgment against corporation

Article 5. Financial Provisions

Corp. C., §25000, ff.	<p>35230. The provisions of the Corporate Securities Law not inconsistent with this chapter apply to corporations formed under this chapter.</p>
Issuance of securities: Limitations	<p>35231. A corporation shall not:</p> <p>(a) Issue securities covering any project undertaken in an aggregate amount greater than the actual cost of the project, plus an allowance for working capital, not exceeding 5 percent of the estimated cost of the project or of the actual cost, if greater than the estimated cost.</p> <p>(b) Issue securities except in exchange for money or property actually received for the use and lawful purpose of the corporation. No securities shall be issued for property except upon a valuation approved by the commissioner, and such valuation shall be used in computing actual or estimated costs.</p>
Restrictions	<p>35232. Each authorized issue of securities shall relate to one specific project and may be secured by mortgages or deeds of trust upon the real property of which the project consists, except where units of the project are to be offered for sale the securities may be issued in an amount to cover each individual unit of sale or to cover the entire project intended to be sold.</p>
Permissive provisions	<p>35233. Bonds, mortgages, or deeds of trust may contain provisions approved by the commissioner, including the right to assignment of rentals and entry into possession in case of default.</p>
Lien	<p>35234. Mortgages or trust deeds may create a first lien and a second lien upon real property.</p>
Profit precluded	<p>35235. A corporation shall not conduct its operations for the profit of the corporation or its members, nor shall any corporation enter into any selling agency agreement intended to divert, or which diverts to its members or to third persons any portion of the profits accruing to the corporation.</p>
Net earn- ings, surplus	<p>35236. The amount of net earnings transferable to surplus in any year, after making or providing for the payment of all fixed charges, interest requirements, and other charges is subject to the approval of the commissioner. The aggregate amount of such surplus shall not exceed 15 percent of the total sum of all contributions by the public, subscriptions, dues, fees, and assessments paid by members, plus the outstanding obligations of the corporation. Unless the commissioner deems it too small, the balance of yearly net earnings in excess of the amount transferred to surplus shall be applied to the reduction of rentals on rental properties, the improvement of properties for sale, or the reduction of the sale price of such property, as the commissioner prescribes.</p>
Payment to member: Limit	<p>35237. A member of a corporation shall not accept or receive from the corporation, either during its existence as a corporation or upon its liquidation or dissolution, any repayment of any sum in excess of his subscription, contribution, fees, dues, or assessments.</p>

PART 4. TEMPORARY HOUSING PROJECTS LAW

(Part 4 added by Stats. 1955, Ch. 1246. See note following Section 35450)

CHAPTER 1. GENERAL PROVISIONS

(Chapter 1 added by Stats. 1955, Ch. 1246)

35450. This part may be cited as the Temporary Housing Short title
Projects Law.

(Added by Stats. 1955, Ch. 1246.)

NOTE: Stats. 1959, Ch. 269, contained the following provision:

SEC. 2. Section 2 of Chapter 1246 of the 1955 Statutes is amended to read:

Sec. 2. The provisions of this act shall remain in effect until the ninety-first day after final adjournment of the 1969 General Session of the Legislature.

35451. The existing federal law contemplates the transfer Legislative declaration
of federally owned temporary housing projects to qualified public agencies without monetary consideration, except for payment for the costs of transfer and the land owned by the Federal Government in such projects.

In enacting this part, the Legislature hereby finds and declares that cities, counties, cities and counties, and housing authorities in California should be provided with standards and should have clear and explicit authority to accept the transfer, to operate and dispose of the housing consistent with conditions imposed on such transfers by federal law; and that the continued operation of such housing by cities, counties, cities and counties, and housing authorities in the State during the period of the present housing shortage is a public use and purpose for which public money may be spent and private property acquired and is a governmental function of state concern, and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination and of state-wide application.

(Added by Stats. 1955, Ch. 1246.)

35452. The definitions and general provisions contained in Construction
this chapter govern the construction of this part, unless the context otherwise requires.

(Added by Stats. 1955, Ch. 1246.)

35453. "Governing body" means the city council in the "Governing body"
case of a city and the board of supervisors in the case of a county.

(Added by Stats. 1955, Ch. 1246.)

35454. "Area of operation" means:

(a) In the case of a city, the area embracing the territory "Area of operation"
included in a city and area within five miles of its territorial boundaries. It does not include any area which lies in the territorial boundaries of another city unless the governing body of such other city has consented by resolution. It does not include any area which lies within the unincorporated

area of any county for which a housing authority has been authorized to transact business pursuant to the Housing Authorities Law.

(b) In the case of a county, the area embracing all of the territory of the county. A county shall not own or operate a temporary housing project within the boundaries of a city unless a resolution is adopted by the governing body of such city declaring that there is a need for the county to exercise the powers granted by this part within such city.

(c) In the case of a housing authority, the area of operation prescribed for such housing authority by Sections 34208 and 34209.

(Added by Stats. 1955, Ch. 1246.)

"Temporary
housing
project"

35455. "Temporary housing project" means any federally owned temporary housing project or any part thereof in the State of California or any such project after the ownership has been transferred to a city, county, or housing authority. It also includes all real and personal property, assets, cash or other funds held or used in connection with the acquisition, operation, or disposition of a temporary housing project.

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 2. ACQUISITION AND OPERATION OF TEMPORARY HOUSING PROJECTS

(Chapter 2 added by Stats. 1955, Ch. 1246)

Acquisition

35480. Any city, county, or housing authority may acquire through purchase or gift any federally owned temporary housing project within the area of operation of such city, county, or housing authority, and own, operate, maintain, and dispose of such project pursuant to this part.

(Added by Stats. 1955, Ch. 1246.)

Powers

35481. Every city, county, or housing authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including the powers granted by this part or by any other provision of law.

(Added by Stats. 1955, Ch. 1246.)

Contracts

35482. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority may contract for and accept the transfer of temporary housing projects or parts thereof from the Federal Government and operate the projects and provide for the improvements, reconstruction, alteration, repair or disposition of all or part of any existing project. This chapter does not authorize a city, county, or housing authority to construct additional dwelling units.

(Added by Stats. 1955, Ch. 1246.)

Services,
facilities,
etc.

35483. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority may arrange and contract for the furnishing by any person or agency, public or private, of services, privileges, works, or

facilities for or in connection with its project and, notwithstanding anything to the contrary contained in this part or in any other provision of law, may include, in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which may be attached to the transfer of the project from the Federal Government.

(Added by Stats. 1955, Ch. 1246.)

35484. Within its area of operation and with reference to **Powers** temporary housing projects a city, county, or housing authority may:

(a) Lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project, and subject to the preference provisions contained in this part or any conditions which may be imposed on the transfer of the project from the Federal Government with respect to the rental of dwellings in temporary housing projects, establish standards of eligibility for occupancy and revise the rents or charges therefor.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain options upon, acquire by gift, bequest, devise or otherwise, any real or personal property or any interest therein.

(d) Sell, lease, exchange, transfer, assign, purchase, or dispose of, any real or personal property or any interest therein.

(e) Insure or provide for the insurance of any real or personal property or operations of any projects against any risks or hazards.

(f) Employ such officers and employees, permanent and temporary, as may be required, determine their qualifications, duties and compensation, and delegate to one or more of them such powers or duties as may be necessary for the acquisition, operation, or disposition of any temporary housing project.

(Added by Stats. 1955, Ch. 1246.)

35485. Within its area of operation and with reference to **Conditions of transfer** a temporary housing project, a city, county, or housing authority may agree to any conditions required by the Federal Government pursuant to federal law as a condition to the transfer of any federally owned temporary housing project or part thereof, but no such condition shall prevent the disposition either for public or private use of the interest in land so acquired.

(Added by Stats. 1955, Ch. 1246.)

35486. Within its area of operation and with reference to **Authority** a temporary housing project, a city, county, or housing authority may exercise all or any part or combination of powers granted in this part.

(Added by Stats. 1955, Ch. 1246.)

Resolution

35487. The exercise by a city, county, or housing authority of the powers herein granted may be authorized by resolution of the governing body of such city, county, or housing authority, adopted by a majority of the members of its governing body present at a meeting of such governing body, which resolution may be adopted at the meeting at which such resolution was introduced. Such a resolution shall be deemed to be administrative in character and shall take effect immediately and need not be laid over, published, or posted. After the effective date of this part, the exercise by a city or county of the powers herein granted shall be authorized by ordinance of the governing body of such city or county.

(Added by Stats. 1955, Ch. 1246.)

Joint
exercise of
powers

35488. Cities, counties, and housing authorities may join with one another in the exercise of any or all of the powers conferred hereby for the purpose of operating a temporary housing project located within the area of operation of any one or more of such cities, counties, or housing authorities. With the approval of the governing body of any city or county in which a housing authority has been authorized to operate, any housing authority in existence upon the effective date of this part may operate, as agent or under a lease, any temporary housing project owned by any such city or county.

(Added by Stats. 1955, Ch. 1246.)

State policy

35489. It is hereby declared to be the policy of this State that each city, county, or housing authority shall manage and operate its projects which are subject to the provisions of this part in an efficient manner and that it shall in any event establish the rentals or payments for dwelling accommodations at rents which shall be ample to cover all costs of operation, maintenance, and disposition of such project, including amounts necessary for payments in lieu of taxes, the creation of reserves, and the payment of currently maturing installments of principal and interest on any indebtedness incurred in connection with the acquisition of land acquired for such project.

(Added by Stats. 1955, Ch. 1246.)

Reserves

35490. Each city, county, or housing authority shall establish reserves which it determines to be reasonable for the maintenance of the project and its eventual disposition.

(Added by Stats. 1955, Ch. 1246.)

Selection
of tenants

35491. In the selection of tenants for temporary housing projects subject to the provisions of this part, a city, county, or housing authority shall give preference in occupancy to families of distressed veterans and servicemen. Any city, county, or housing authority may agree to any conditions concerning preference in occupancy which may be imposed on the transfer of the project from the Federal Government.

(Added by Stats. 1955, Ch. 1246.)

35492. Notwithstanding the preferences required by this part, any city, county, or housing authority may agree to give preference in occupancy to military personnel and persons engaged in national defense or mobilization activities as the Secretary of Defense or his designee may prescribe.

Military
personnel

(Added by Stats. 1955, Ch. 1246.)

35493. A temporary housing project is declared to be public property used for essential public and governmental purposes and is for a public use and purpose and involves a governmental function of state concern. As a matter of legislative determination, it is hereby found and declared that the properties involved in temporary housing projects are of such character and shall be exempt from taxation. In lieu of taxes on the property incorporated in a temporary housing project, a city, county, or housing authority may make such payments in lieu of taxes out of revenues of such temporary housing project to the taxing bodies, except that in no event shall such payments in lieu of taxes to any taxing body exceed in any year the amount which would be received by the taxing body in taxes from the temporary housing project if the temporary housing project were privately owned and subject to taxation.

Public
property

Tax
exemption

(Added by Stats. 1955, Ch. 1246.)

35494. No housing authority may after the effective date of this part acquire pursuant to this part a temporary housing project.

Limitation

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 3. FINANCIAL PROVISIONS

(Chapter 3 added by Stats. 1955, Ch. 1246)

35520. A city, county, or housing authority may issue notes to the Federal Government, or any agency thereof, to finance the acquisition of real property involved in a temporary housing project and execute a mortgage or deed of trust secured by the property so acquired, and by the net revenue from the project before reserves.

Indebtedness

The obligation of the city, county, or housing authority is limited to the security on the mortgage or deed of trust and is not secured by the taxing power of the city, county, or housing authority. The general fund of such city, county, or housing authority is not liable for the payment of such notes or their interest.

Limitation

(Added by Stats. 1955, Ch. 1246.)

35521. The members of the governing body of a city, county, or housing authority, or any person executing a note authorized by this part, shall not be liable personally on any such note by reason of the issuance thereof hereunder.

Liability

(Added by Stats. 1955, Ch. 1246.)

35522. Notes of a city, county, or housing authority issued pursuant to this part are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income

Tax
exemption

therefrom, shall be exempt from taxes. No other act or law with regard to the authorization or issuance of notes of a city, county, or housing authority shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 4. DISPOSITION OF TEMPORARY HOUSING PROJECTS (Chapter 4 added by Stats. 1955, Ch. 1246)

Disposition 35540. Any temporary housing project transferred by the Federal Government to any city, county, or housing authority may be disposed of in whole or in part by the city, county, or housing authority after the governing body of the city, county, or housing authority determines by resolution that the need for the operation of the housing, or any part thereof, pursuant to the provisions of this part, has passed.

(Added by Stats. 1955, Ch. 1246.)

Demolition 35541. Dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the ninety-first day after final adjournment of the 1969 General Session of the Legislature.

(Added by Stats. 1955, Ch. 1246; amended by Stats. 1959, Ch. 269.)

Conditions to disposition 35542. Any city, county, or housing authority may agree to any conditions concerning the eventual disposition of the structures which are attached to the transfer from the Federal Government if such conditions are not inconsistent with the provisions of this part.

(Added by Stats. 1955, Ch. 1246.)

Contracts for sale and demolition 35543. In demolishing the dwelling structures in the manner required by this chapter, any city, county, or housing authority may employ its own forces, but if the dwelling structures are to be offered for sale and demolition by contract, the contract for such sale and demolition shall be executed only after advertising and the receipt of sealed bids. The award or awards shall be made to the responsible bidder or bidders submitting the best offers.

(Added by Stats. 1955, Ch. 1246.)

Sale, etc., of land 35544. After the disposition of the housing pursuant to the provisions of this part, any part of the land included in the project may thereafter be devoted to other authorized public uses of the city, county, or housing authority. If the city, county, or housing authority does not require the land for other public uses, the sale of the land either in its entirety or in suitable parcels shall be conducted under the laws of the State controlling the sale of other lands of the city, county, or housing authority.

(Added by Stats. 1955, Ch. 1246.)

35545. Upon the disposition of the housing or the sale of all or part of the land included in the project, the proceeds derived from the operation of the temporary housing project and any such disposal or sale, after the payment of any expenses incident to the sale and the liquidation of any indebtedness outstanding in relation to the temporary housing project, shall be deposited in the general fund of such city, county, or housing authority. Any housing authority may agree, notwithstanding the provisions of any other law, with any city or county in which the temporary housing project is situated or any city for which the housing authority was established to pay to the city or county any part of the net proceeds derived from the operation and disposition of such temporary housing project.

Disposition
of proceeds

(Added by Stats. 1955, Ch. 1246.)

CHAPTER 5. VALIDATION

(Chapter 5 added by Stats. 1955, Ch. 1246)

35546. Every acquisition of, transfer to and contract for the acquisition of a temporary housing project or part thereof by a city, county, or housing authority from the Federal Government and the operation and disposal of such temporary housing project and the revenues therefrom by a city, county, or housing authority heretofore completed, executed, made or done which acquisition, transfer, contract for acquisition, operation or disposal of a temporary housing project conforms to the requirements of this part is hereby validated, confirmed, ratified and declared legally effective and all acts and proceedings heretofore taken by or on behalf of any city, county, or housing authority for such acquisition, contract for the acquisition, transfer of a temporary housing project or the operation or disposal of a temporary housing project and the revenues therefrom, are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings of the governing board of such city, county, or housing authority or of any person, public officer, board or agency heretofore done or taken in connection with acquisition, contract for acquisition, transfer or operation or disposal of such a temporary housing project and the revenues therefrom. This part shall be construed to supply such legislative authorization as might have been necessary to authorize such acquisition, contract for acquisition, transfer, operation or disposal of a temporary housing project and the revenues therefrom by a city, county, or housing authority.

Validation

(Added by Stats. 1955, Ch. 1246.)

PART 5. DISCRIMINATION IN PUBLICLY ASSISTED HOUSING

(Part 5 added by Stats. 1959, Ch. 1681)

CHAPTER 1. FINDINGS AND DECLARATION OF POLICY

(Chapter 1 added by Stats. 1959, Ch. 1681)

Police power 35700. This part shall be deemed an exercise of the police power of the State for the protection of the welfare, health and peace of the people of this State and the fulfillment and enforcement of the provisions of the Constitution of this State concerning civil rights.

Discrimination The practice of discrimination because of race, color, religion, national origin or ancestry in any publicly assisted housing accommodations is hereby declared to be against public policy.

(Added by Stats. 1959, Ch. 1681.)

CHAPTER 2. DEFINITIONS

(Chapter 2 added by Stats. 1959, Ch. 1681)

Definitions 35710. When used in this part:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious, fraternal, or charitable association or corporation not organized or operated for private profit; provided, that such accommodations are being used in furtherance of the primary purpose or purposes for which the association or corporation was formed.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the State:

(a) Which at the time of any alleged unlawful discrimination under Section 35720 is granted exemption in whole or in part from taxes levied by the State or any of its political subdivisions; provided, that nothing herein contained shall apply to any housing accommodations solely because the owner thereof enjoys any type of tax exemption by virtue of his veteran status.

(b) Which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of 1949.

(c) Which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of con-

demnation or otherwise for the purpose of such construction; provided, that nothing herein contained shall apply to any housing accommodation constructed in whole or in part on any property acquired by the Department of Veterans Affairs under the Veterans' Farm and Home Purchase Act of 1943.

(d) Which is located in a multiple dwelling and the acquisition, construction, rehabilitation, repair or maintenance of which is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

(e) Which is offered for sale by a person who owns or otherwise controls the sale of five or more housing accommodations located on land that is contiguous (exclusive of public streets), if (1) the acquisition, construction, rehabilitation, repair or maintenance of such housing accommodations is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof, or the State or any of its political subdivisions or any agency thereof, or (2) a commitment, issued by a government agency is outstanding that acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sublessee, assignee, managing agent, or other person having the right of ownership or possession or the right to rent or lease housing accommodations and includes the State and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling" means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, public institution, or a fireproof building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one penthouse occupied by not more than two families. The term "family" means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a

consideration for such residence and does not occupy such space within the household as an incident of employment therein.

(Added by Stats. 1959, Ch. 1681.)

CHAPTER 3. DISCRIMINATION PROHIBITED

(Chapter 3 added by Stats. 1959, Ch. 1681)

Discrimi-
nation
prohibited

35720. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation with knowledge of such assistance to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin, or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation with knowledge of such assistance to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any owner of any publicly assisted housing accommodation with knowledge of such assistance to make or to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to purchase, rent or lease any publicly assisted housing accommodation for the purpose of violating any of the provisions of this part.

(Added by Stats. 1959, Ch. 1681.)

CHAPTER 4. ENFORCEMENT

(Chapter 4 added by Stats. 1959, Ch. 1681)

Restraint of
violations,
etc.

35730. Any person aggrieved by a violation of this part shall have a right of action in any court of appropriate jurisdiction for restraint of such violation and for other equitable remedies including such affirmative relief as may be necessary to undo the effects of such violation.

Damages

Any person aggrieved by a violation of this part shall in addition have a right of action in any court of appropriate jurisdiction for damages caused by such violation in a sum of not less than five hundred dollars (\$500).

(Added by Stats. 1959, Ch. 1681.)

CHAPTER 5. APPLICABILITY

(Chapter 5 added by Stats. 1959, Ch. 1681)

Exceptions

35740. The provisions of this part shall not apply to privately owned housing accommodations which are not publicly assisted within the meaning of this part.

(Added by Stats. 1959, Ch. 1681.)

35741. Nothing in this part shall be construed to affect the Construction title or other interest of a person who purchases, leases, or takes an encumbrance on a publicly assisted housing accommodation in good faith and without knowledge that the owner or lessor of the property has violated any provision of this part.

(Added by Stats. 1959, Ch. 1681.)

DIVISION 30. REPEALS

40000. The following sections of the Penal Code are hereby Repeals: Penal Code repealed:

290	374a	384	601
291	375	385	649
293	375a	394	719
295	377	396a	720
297	377a	401a	1510.1
349	377b	402e	
368	377c	402h	
374	378	573	

40001. The following sections of the Political Code are hereby repealed: Repeals: Political Code

372	3007	3046	3106
372a	3008	3047	3107
372b	3009	3048	3108
372c	3010	3049	3109
372d	3011	3060	3110
372e	3012	3061	3111
372f	3023	3062	3335
372g	3024	3063	3336
2978	3025	3064	3337
2979	3026	3074	3338
2979a	3027	3075	3339
2979b	3029	3076	3340
2979d	3030	3077	3341
2979e	3031	3078	3342
2980	3033	3080	3343
2981	3034	3081	4041.15
2982	3035	3082	4041d
2982a	3042	3083	4041k
2984	3043	3084	4225
3005	3044	3093	4225b
3006	3045	3105	

Repeals:
General laws

40002. The following acts and portions of acts, together with all acts amendatory thereof and supplementary thereto, are hereby repealed:

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.
1852:	129:	205	All	1873-4:	370:	530	All
1853:	22:	35	All	1873-4:	397:	569	All
1853:	42:	59	All	1873-4:	460:	691	All
1854:	8:	20	All	1873-4:	552:	788	All
1854:	37:	42	All	1873-4:	639:	886	All
1858:	57:	41	All	1873-4:	676:	942	All
1858:	180:	133	All	1875-6:	72:	47	All
1859:	78:	59	All	1875-6:	232:	305	All
1859:	321:	358	All	1875-6:	234:	310	All
1861:	69:	55	All	1875-6:	271:	360	All
1861:	71:	57	All	1875-6:	303:	398	All
1861:	133:	123	All	1875-6:	401:	567	All
1861:	168:	167	All	1875-6:	433:	610	All
1861:	234:	238	All	1875-6:	496:	759	All
1861:	243:	248	All	1875-6:	583:	865	All
1861:	388:	408	All	1875-6:	601:	896	All
1861:	517:	585	All	1875-6:	647:	866	All
1862:	18:	11	All	1877-8:	83:	104	All
1862:	127:	114	All	1877-8:	178:	214	All
1862:	149:	140	All	1877-8:	304:	383	All
1862:	168:	166	All	1877-8:	374:	558	All
1862:	340:	465	All	1877-8:	325:	436	All
1862:	341:	466	All	1877-8:	446:	685	All
1862:	342:	466	All	1877-8:	513:	796	All
1863:	26:	26	All	1877-8:	594:	943	All
1863:	473:	742	All	1877-8:	648:	999	All
1863-4:	248:	256	All	1877-8:	673:	1050	All
1865-6:	98:	79	All	1880:	66:	61	All
1865-6:	156:	138	All	1881:	36:	26	All
1865-6:	180:	161	All	1881:	67:	76	All
1865-6:	250:	276	All	1883:	77:	366	All
1865-6:	303:	337	All	1883:	90:	376	All
1865-6:	424:	533	All	1885:	14:	12	All
1865-6:	450:	583	All	1885:	21:	25	All
1867-8:	26:	26	All	1887:	22:	18	All
1869-70:	228:	329	All	1887:	95:	110	All
1869-70:	490:	716	All	1891:	148:	209	All
1871-2:	286:	389	All	1891:	161:	223	All
1871-2:	388:	542	All	1893:	163:	189	All
1871-2:	398:	553	All	1893:	190:	234	All
1871-2:	428:	625	All	1895:	39:	45	All
1871-2:	485:	715	All	1895:	115:	107	All
1871-2:	529:	765	All	1899:	66:	81	All
1871-2:	578:	855	All	1903:	218:	255	All
1871-2:	530:	766	All	1903:	232:	283	All
1873-4:	177:	240	All	1903:	236:	289	All
1873-4:	327:	474	All	1903:	239:	317	All

Year	Ch.	Pg.	Sec.	Year	Ch.	Pg.	Sec.	Repeals
1905:	119:	115	All	1923:	250:	498	All	
1905:	223:	209	All	1925:	275:	459	All	
1907:	458:	846	All	1925:	314:	532	All	
1907:	492:	893	All	1925:	316:	536	All	
1909:	164:	261	All	1927:	213:	380	All	
1909:	204:	311	All	1927:	254:	465	All	
1909:	242:	368	All	1927:	282:	502	All	
1909:	347:	576	All	1927:	623:	1049	All	
1909:	591:	899	All	1927:	642:	1088	All	
1909:	646:	978	All	1927:	644:	1093	All	
1909:	673:	1011	All	1927:	880:	1924	All	
1911:	23:	40	All	1929:	140:	258	17, 18, 19, 20	
1911:	213:	391	All	1929:	180:	331	All	
1911:	300:	494	All	1929:	181:	333	All	
1911:	375:	685	All	1929:	188:	341	All	
1911:	455:	904	All	1929:	216:	380	All	
1911:	692:	1350	All	1929:	221:	413	All	
1913:	81:	86	All	1929:	416:	738	All	
1913:	369:	783	All	1929:	432:	752	All	
1913:	391:	843	All	1929:	457:	819	All	
1913:	422:	868	All	1931:	56:	50	All	
1915:	337:	502	All	1931:	168:	238	All	
1915:	378:	575	All	1931:	214:	383	All	
1915:	478:	800	All	1931:	580:	1263	All	
1915:	584:	1011	All	1931:	734:	1523	All	
1915:	766:	1530	All	1931:	425:	972	All	
1917:	63:	70	All	1931:	892:	1906	All	
1917:	228:	432	All	1931:	1148:	2434	All	
1917:	560:	774	All	1933:	90:	534	All	
1917:	571:	791	All	1933:	331:	909	All	
1917:	744:	1517	All	1933:	601:	1531	All	
1917:	745:	1518	All	1933:	607:	1549	1, 2, 3, 5, 6, 7	
1917:	792:	1661	All					
1919:	480:	942	All	1933:	756:	1980	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15	
1919:	583:	1234	All					
1921:	304:	413	All					
1921:	412:	605	All					
1921:	652:	1103	All	1933:	802:	2128	All	
1923:	65:	132	All	1933:	894:	2305	All	
1923:	171:	393	All	1933:	1033:	2631	All	
1923:	188:	429	1, 2, 3, 4, 6, 7.	1935:	20:	79	All	
1923:	191:	431	All	1935:	377:	1329	All	
1923:	312:	646	All	1937:	351:	762	All	
1923:	386:	781	All	1937:	530:	1539	All	

Repeal 40003. Section 2979c of the Political Code is hereby repealed.

(Added by Stats. 1939, Ch. 102, as part of codification.)

Repeal 40004. Section 5 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, is hereby repealed.

(Added by Stats. 1939, Ch. 105, as part of codification.)

Repeal 40005. Section 4 of an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 104, as part of codification.)

Repeal 40006. An act entitled "An act relating to a convalescent colony and empowering the Department of Finance to accept land or contributions for the convalescent colony upon recommendation of the convalescent colony board, creating a convalescent colony board, and providing for the disposition and expenditure of moneys in connection with said convalescent colony," approved May 29, 1931, is hereby repealed.

(Added by Stats. 1939, Ch. 106, as part of codification.)

Repeal 40007. Section 10 of an act entitled "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, is hereby repealed.

(Added by Stats. 1939, Ch. 103, as part of codification.)

Repeal:
Stats. 1907,
p. 230 40008. An act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1939, Ch. 730.)

Repeal 40009. An act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof" approved March 6, 1907, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 199.)

40010. Section 347a of the Penal Code is repealed.

Repeal

(Added by Stats. 1947, Ch. 199.)

40011. An act entitled "An act relating to the care and control of venereal diseases, granting other and further powers in relation thereto to the State Board of Public Health and its subordinate agencies, authorizing the acceptance of federal social security funds and making an appropriation therefor," approved July 1, 1937, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 765.)

40012. An act entitled "An act providing for the protection of unborn children and the public health by requiring examinations of pregnant or recently delivered women for syphilis, providing penalties for the violation of the provisions thereof, and providing an appropriation for the administration of the act," approved May 9, 1939, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 705.)

40013. An act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 763.)

40014. An act entitled "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provisions thereof," approved June 2, 1921, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

Repeal

(Added by Stats. 1947, Ch. 766.)

40015. An act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and

Repeal

regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 762.)

Repeal

40016. An act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 764.)

Repeal

40017. An act entitled "An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal and act entitled 'An act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891,' approved March 23, 1893, declaring the urgency of this act, to take effect immediately," approved May 26, 1943, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 710.)

Repeal

40018. An act entitled "An act to prevent the sale and use of sulphur containing material quantities of arsenic for the purpose of sulphuring fruits or other foods; to provide a standard for sulphur for sulphuring fruits or other foods, and to provide penalties for the violation of the provisions hereof," approved May 2, 1919, and all acts and parts of acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 709.)

Repeal

40019. An act entitled "An act to provide state assistance of local agencies for the control of mosquitoes, and making an appropriation therefor, to take effect immediately," approved March 4, 1946, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 704.)

Repeal

40020. An act entitled "An act to prevent the supply of water dangerous to health for domestic purposes and to provide for the installation of sanitary water systems," approved June 13, 1913, and all acts amendatory thereof and supplementary thereto, are hereby repealed.

(Added by Stats. 1947, Ch. 992.)

Repeals

40021. The following acts are hereby repealed:

1933:538:1426

1933:560:1465

1938 (1st Ex. Sess.) :2:2

1938 (1st Ex. Sess.) :4:9

1945:1326:2478

(Added by Stats. 1951, Ch. 710.)

INDEXES TO 1959 HEALTH AND SAFETY CODE

Sections added to the code by the 1959 Regular Session are indexed in the supplemental index which precedes the main index.

All sections as in effect July 24, 1958, the effective date of the statutes enacted at the 1958 Second Extraordinary Session of the Legislature, are indexed in the main index.

This method of indexing the code by publishing the 1958 main index and a supplemental index showing 1959 additions is used in order to facilitate early publication of the 1959 edition.

SUPPLEMENTAL INDEX

Sections added by 1959 Regular Session

NOTE: See main index following this index for all sections as in effect July 23, 1958, the effective date of statutes enacted at the 1958 First Extraordinary Session of the Legislature. No sections were added or affected at the 1958 Regular or 1958 Second Extraordinary Sessions.

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